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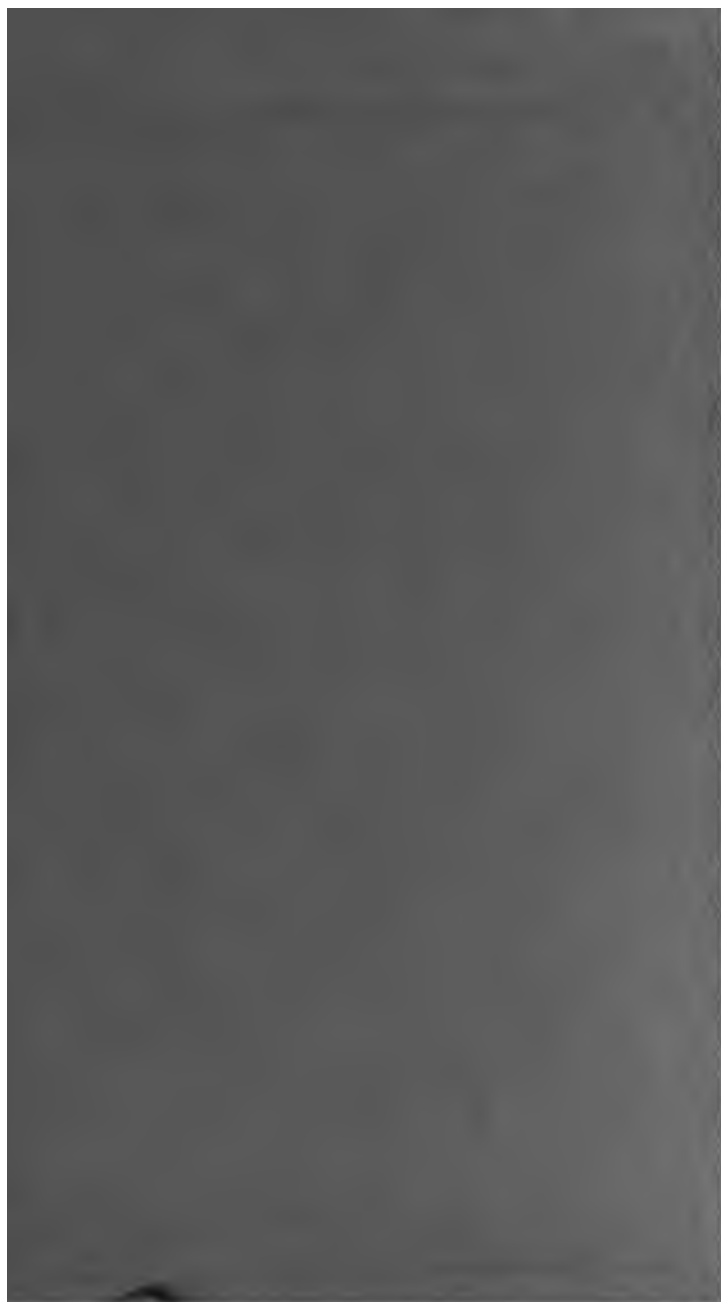
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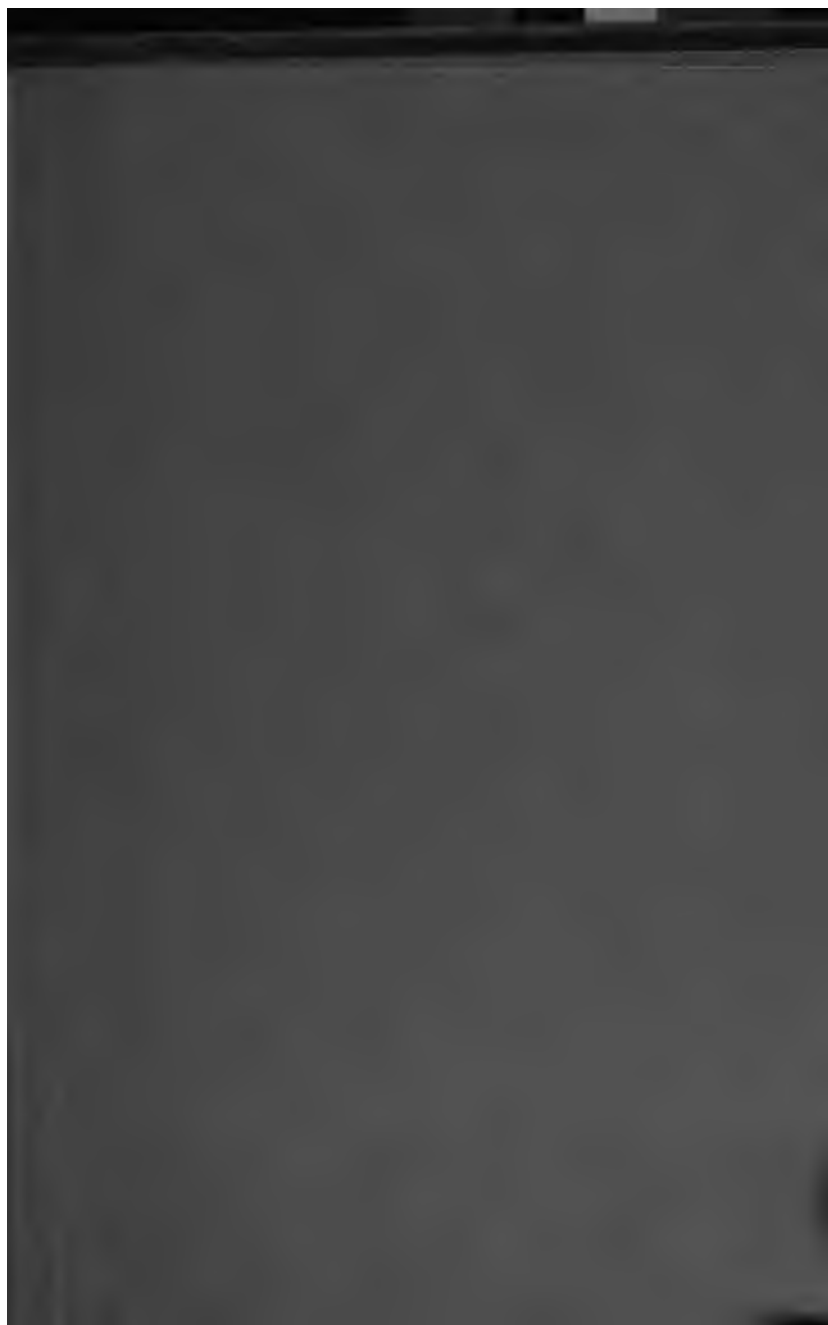
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**MAIDS, WIVES
AND WIDOWS**

MAIDS, WIVES AND WIDOWS

THE LAW OF THE LAND AND OF
THE VARIOUS STATES AS
IT AFFECTS WOMEN

BY

ROSE FALLS BRES

MEMBER OF THE NEW YORK BAR

Author of "The Law and the Woman"

WITH AN INTRODUCTORY NOTE

BY

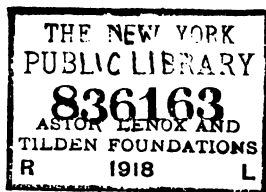
MARY WOOD, LL.M.

CHAIRMAN OF THE LEGISLATIVE DEPARTMENT OF THE GENERAL
FEDERATION OF WOMEN'S CLUBS OF THE U. S.

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JAN 11 1901
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A FOREWORD

WHEN *The Law and the Woman*, a book dealing with the legal conditions affecting women and minors in the several States appeared in a small edition it was received kindly and quickly passed out of print. The succeeding pages contain all of the information covered in the first volume, together with additional data, comment and simple and adaptable forms. The first edition went out to women with the endorsement of Olive Stott Gabriel, then president of the Women Lawyers' Association, and of Mary Wood, chairman of legislation of the General Federation of Women's Clubs. The *New York Times* said of it:

As the first attempt to present in a single volume the status of woman in the United States under the Federal and the State laws, Mrs. Bres's book has unique value and interest. . . . Her digest and discussion of the present legal status of women in this country is scholarly and readable and makes a worth-while addition to feminist literature.

And *Everywoman*, the official organ of the National Council of Women, said:

It is written in a manner to give the reader the fundamental principles of the law governing the subject, divested of the technical phraseology which only lawyers understand, and furnishes a comprehensive grasp of all the law indispensable for women to know in her broader field of life. As such, this helpful and instructive volume should be in every woman's library.

In this volume the entire subject matter in the first publication is covered, the intent being to make it of greater service to women as legal first aid.

CONTENTS

	PAGE
THE WOMAN GOD GAVETH	13
THE LAW FOR WOMEN	17
WOMAN'S LEGAL STATUS	45
MARRIAGE AND DIVORCE	54
MOTHER'S PENSION	74
CHILD LABOR AND MINIMUM WAGE	84
CONTRACTS AND FORMS—SIMPLE LEGAL AID . . .	97
DIGEST OF THE LAWS OF THE SEVERAL STATES . .	127



INTRODUCTORY NOTE

THE GREAT WAR has called women to new service. From necessity, or a high sense of patriotic duty, they have become co-workers with men in every line of effort for the furthering and fostering of commerce and industry and the preservation of the highest ideals of our American institutions.

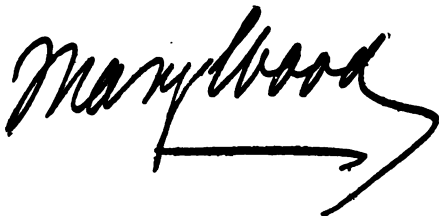
Women of every class and creed find themselves forced to face new problems; their influence and aid in legislation necessary to meet the new condition is brought home to them.

An intelligent understanding of what the Government has done, is doing and should do for the legal protection of the interests of women and children is sought by all progressive women to-day. But the usual text-books are such a labyrinth of technical expression the information cannot be generally had from them by laywomen.

Rose Falls Bres' book, "Maids, Wives and Widows," discusses broadly and entertainingly the legal status of women since the time of Mother Eve. It presents in a correct, comprehensive and most readable way what is called "advanced legislation" for women. Of especial interest is her dissertation on Marriage and Divorce, Child Labor and Mothers' Pension.

INTRODUCTORY NOTE

Rose Falls Bres has been admitted to the Bar of three States, Louisiana, Kentucky and New York, and she has had twenty years' experience in State and Federal courts. This work which passes on to other women the result of her long study of the law must prove an invaluable textbook to those who are interested in civic betterment. To clubwomen it comes as an answer to a demand for a presentation of the laws in an understandable way. To all women I cordially endorse and recommend it.

A handwritten signature in cursive script that reads "Mary Wood". The signature is written in black ink and features a long, sweeping horizontal stroke at the bottom that extends to the right.

ALBANY, N. Y.,
March 30, 1918.

**MAIDS, WIVES
AND WIDOWS**

I

THE WOMAN GOD GAVETH

"AND of the rib which the Lord God had taken from the man made he a woman."

For forty succeeding centuries it was only the peculiar attributes of the feminine nature which were thought worth woman's while to cultivate. Yet a great mass of historic fact gives evidence that it was not alone the feminine attributes, but in larger measure the exercise of wisdom and virtues neither masculine nor feminine which brought increasing fulfillment of the prophecy contained in the twenty-eighth verse of the first chapter of Genesis: "God gave them joint dominion."

Notwithstanding the gross wickedness of Cleopatra she had the virtue of patriotism and was true to her country and her people, while Marc Antony was a traitor and a deserter. Unlovely as the memory of Aspasia comes to later generations she had such subtle wisdom and wit she held Pericles her slave, and Socrates, wisest of heathen sages, not only her admirer but her friend. It was not alone the personal attractions of Abigail which gave her place in the First Book of Samuel, for David blessed the Lord God of Israel for having sent her to him, and, for her "advice." It was the courage and martial spirit of Deborah which delivered Israel from the Canaanites. And Cicero, said of Cornelia, daughter of Scipio Africanus, wife of Tiberius

Gracchus, "Cornelia, had she not been a woman, would have deserved first place among philosophers."

In this day, and in this land of modern chivalry, the moral qualities of the woman are highly valued; she is admittedly the conservator of domestic purity, of social decorum and of public sentiment. Also, wise and reasoning women are no longer condemned for witchcraft. It is the dual creature, the good mother and home-maker, the conservator of domestic purity and public sentiment, who can take her brother's place in war and commerce when there is need, who is "the glory of the man."

Cornelias of this era are not denied first place among philosophers because of sex, but there are no blaring trumpets to herald them and their pay envelopes are not plethoric.

There are Messalinas as well as Lucretias, for roses and weeds will always grow in the same soil. But as in the days of yore it is the Lucretias who preserve the republic.

This Age of Woman has produced a race where the question of sex is being put more and more in the background to play an ever decreasing part in the conflict of life, for all humanity is seeking, and finding saner levels. The peculiarly feminine attributes, or wiles and sweet sentimentality, breeding and broiling, are subordinate to reason and that ambition which has won for woman an assured place in the man's world of war and work. Women and men grow more and more real comrades, interdependent parts of the machinery of commerce and government which makes the world go round.

In ancient Babylon there was a monument set up in a central place on which was inscribed the laws so that citizens might there look up their citations of legal

authority for the justification of their deeds. That legal Baedeker of Babylon declared husbands were the masters of their wives as of their slaves. A husband could repudiate a wife or change her at will. And, as might have been expected as a result of this license of fancy, many were called but few were the wives chosen to remain as permanent helpmates. Husbands viewed their wives as commercial assets and they pledged them for debt on an agreement much like our form of chattel mortgage. But if a woman repudiated her husband she was given the extreme penalty, fully and thrillingly described as "impaling on a stake." This, be it remembered was about 2250 B. C., and in Babylon. Every step of woman's advance from that day of her degradation to the high place she now holds in the civilized world is the result of her intellectual power and activity; the purely feminine attributes playing but an insignificant part.

Such laws as those which obtained in Babylon, and such conditions as existed through the ages when girl babies were considered a curse, encouraged in women self-pity and an instinctive antagonism to exclusively man-made laws. Justice Blackstone's opinion that: "The very being or legal existence of the wife is suspended during marriage, or, at least is incorporated and consolidated into that of the husband," planted revolution in the hearts of women, and in that well-sustained English law of coverture of the husband grew the cry for "woman's rights," when there should be neither man's rights, nor woman's rights, but only human rights.

Christianity and the law, aiding and abetting each other, helped women to free themselves from bondage, gave them protection and inculcated the defensive spirit to stimulate their intellectual powers. They have found

their way to liberty's fount. Its water has given them power and strength. But it is an intoxicating draught when taken intemperately. Thicker and faster they come, women from all lands and of all nations, pleading for more and yet more freedom and independence. Christianity and the law must be kept close to curb, to school, to temper.

Women are demanding their bodies as their own, and at least equal control in the guardianship of their offspring. They are demanding more uniform laws on marriage and divorce. They want wider scope and consideration for their activities, for they are willing to bear life's burdens equally. They are straining at every leash. They grow impatient of every barrier, more intolerant of injustice.

Nothing on earth can stem the stampede of women to perfect freedom. Only Christianity and the law can guide them into the safe paths. There must be give as well as take. Something, indeed much must be yielded to womankind if men would preserve her gentle spirit and would continue to hold her as the great living helpmate of the world.

II

THE LAW FOR WOMEN

THERE shall be no discrimination because of race, color or previous condition of servitude our Constitution provides, and with the great onswEEP of the woman's movement to equality of citizenship comes also the obliteration of the lines of discrimination because of sex.

It is the restraining and equalizing influence of Christianity and the law which has proven the great arm of protection and defense for women while they have fought upward and onward. It is the great arm they must strengthen, as well as rest on, in the future.

With the broadening of the scope of her activities woman should be given the widest opportunity to make the most of the place she has won in every avenue where her efforts have found recognition. She should be equipped to aid in the making of better laws for the protection and defense of women and minors. There should be this eleventh commandment taught her; Thou shalt know the laws thy brother hath made for thee, that knowing, thou shalt be enabled to avoid litigation and to be an aid in making better laws.

It is for the courts to say what the law is, not what it should be. Real remedies for real ills, and crimes which menace homes and society, will be found by women in the short cut of the law. They should know how to see to it that only good laws are added to old ones and that

amendments go to the core and secure the greatest protection for the helpless and dependent.

Every boy may cherish the hope to be President, but every woman does not cherish an ambition to sit with the law makers of the land. Nor is it possible for every woman to at all times act as her own lawyer, for deep seated troubles and intricate legal tangles require expert attention. But it is proper for women to have first aid information in the law with which we come in daily association and contact, even as it is well for women to know how to dress burns and hold baby with her head down if she tries to swallow her first money allowance.

Women have always been relied upon to make homes of their dwelling places. By their feminine attributes and the gentle influence inherited from generations of the mothers of men they may make the humblest abode a dwelling place of light. They will now be expected to use their more intimate knowledge of their sisters, and the human side of affairs, to induce better labor and social laws, and a more even-handed enforcement and administration of the laws which affect women and minors.

Knowledge of the law should not be confined to those who make of it a profession, but it should be taught children along with their "Now I lay me." There is no other knowledge more essential to their good citizenship. A bowing acquaintance with the statute of limitations saves loss and law suits. There isn't anything "unwomanly" in becoming familiar with the time limit set by the law wherein an action to enforce a right or obligation may be maintained, or when a promissory note becomes a worthless scrap of paper.

To know what constitutes a valid contract is to

encourage a high regard for the observance of its requirements. Signatures are not carelessly attached to documents by those who know that the signing is a personal pledge, or a waiver of interest which the law may be invoked to enforce.

Women need the strong arm of the law's defense more than men do. If John's office is invaded by a too insistent individual, who refuses to leave, he throws him out. If John goes home unexpectedly and finds the butler stealing his cigars, or a strange man making love to his wife, he is universally conceded the right to at least thrash the offender until he is rescued for hospital attention. If John learns a business or social rival has been lying about him, he promptly blacks his eyes. Women have exactly the same trials and aggravations, but no matter how much they may feel inclined to resort to physical violence they are prevented by all the rules of decent ladylikeness. If they are of the scullion class they may throw ugly adjectives, and maybe a pot or pan, or two, but then women are notoriously bad marksmen and so no damage is done. Women have but one recourse for abuses great or small—the law. (If men realized the wonderful advantage and comfort which is theirs in being able to fight certain battles outside the law, in the goodness of their hearts, and the gratitude of their souls, they would even up by granting women about all the other rights they ask.)

The woman who has been taught nothing of the unyielding lines of certain legal principles is not only unfit to assume control of her own affairs if she is bereft of her male protector, but she is predestined to failure in any business in which she may embark. She is sure to get entangled in litigation and she is the kind of client

every lawyer dreads. She doesn't understand, and she cannot be made to understand, that laws are made for the greatest good of the greatest number and must inevitably work individual hardship. Because she does not know she very often takes the wrong step when it would be just as easy, and probably preferable to her, to take the right step. She violates obligations and resents the enforcement of her agreements. She doesn't know how to avail herself of the protection the law gives her. Estates are wasted. Interests are sacrificed. Effort is misdirected and many an ingrowing grouch is acquired. All because knowledge of law has not been deemed necessary for women.

When little Marys and Janes reach the age for selective draft of husbands a little information on the limitation the law places on the acts of minors, the force and effect of obligations, especially the marriage contract, and a few other bits of legal learning, might prove the ounce of prevention to avoid pounds of later sorrow. Mistakes would not so certainly be blamed on father and mother along with the charge of contributory negligence.

Mathematics, geography and history are often distasteful to students, yet every girl as well as every boy, is required to master the rudiments. It is not more necessary for a woman to know how to add and subtract than it is for her to understand how far her right in the guardianship of her children extends, what provision the law makes for her in the estate of her husband, and how free she is to acquire or alienate property in her own right. Likewise it is essential that women should know at what age they may contract marriage and under what circumstances and provisions of the

law the contract may be annulled or abrogated. It may not be thrilling, but it should be interesting to every woman to know the origin and history of the mother's pension, which keeps thousands of children in their homes and out of charitable institutions. There should be some fascination in a survey of the labor laws and regulations which affect those who must work to live, and every woman should know that the married woman has no control of her citizenship, and that she is no longer an American if she marries an alien, or, at least, so long as her marriage to the alien exists.

The laws of the land are not the dry-as-dust accumulation of technical terms generally supposed. Out of queer kinks in the legislative diary novelists have woven some of their finest romances and the court records of every State are the never-ending theme for writers of thrills.

Columbia University, for the first time in its existence, added a course of legal study for women in 1917 and appointed Miss Mabel E. Witte, a graduate of Vassar College and the New York University Law School, to give a series of lectures on the every day laws which directly affect women in every walk of life. These lectures are not to prepare women for the practise of law as a profession, but are intended to aid women of every class and station to keep within the law, to manage their affairs without having to seek the aid and advice of a lawyer on every turn, and to avail themselves of the privileges and protection afforded them by the State. The Brooklyn Law School, about the same time, added Mrs. E. Jean Nelson Penfield to its corps of lecturers to follow about the same course launched by Columbia. Of her proposed work in the Brooklyn Law School,

Mrs. Penfield wrote *The Woman Citizen*: "Perhaps our largest service in the first few years will be to the 'woman left behind'—this woman who faces the double burden, for she must not only part with the one who goes to the front, but it is she who must square her shoulders to carry wholly unaccustomed responsibilities in his absence." Mrs. Penfield, discussing the legal problems of every woman says: "These problems are the age-old problems, involving the fundamental rights of the citizen under the Constitution, the ordinary rights of person and property, contracts and agency, the relation of landlord and tenant, buyer and seller, lawyer and client, physician and patient, employer and employee—problems which touch the daily life of every woman and involve her comfort, her safety and her property. Then there are the domestic relation laws, and the laws controlling the relationship between parent and child and also the laws of inheritance and wills."

It is quite generally true that a little learning is a dangerous thing. But it must be conceded that the laws of the land affect each individual and every condition of life, and so a little learning of the law is necessary for the making of good citizens. Ignorance of the law is no excuse for its violation by man or woman and that being the case it would seem but a precautionary measure to equip the citizen, regardless of sex, with the legal information so necessary to assure peace and good will and good government.

It appears that whether it be to know when citizenship may be acquired or lost, legislation pertaining to real or personal rights, or obligations, the woman citizen enfranchised, or to be enfranchised, fighting for an equal place with her brother, needs an intensive course

in every-day laws. Blackstone said: "It is undeniable that a competent knowledge of the law of the society in which we live is the proper accomplishment of every gentleman and scholar." Cicero said that even the boys of Rome were required to learn the Twelve Tables as a *carmen necessarium*. Woman, if she would advance the cause of her sex and would fit with less friction into the general scheme of things, should know at least the outline of those laws which affect her status, how and when she inherits, the requirements of the law of those who control the property interests of minors, and others, the contracts daily used by business and professional women, the obligations of landlord and tenant, the simple form of a will and the general laws governing marriage and divorce.

It was considered a very radical step when the first women in the United States who had prepared themselves to practise law as a profession sought admission to the Bar. They found it necessary to get the courts to interpret the clause regulating admission to practise, which read "any male citizen having the necessary qualifications," as including in the term "male," also the female of the species. That was in 1869, and since that time the history made by women at the Bar is creditable and interesting. There has never been a woman disbarred for breach of professional conduct and it is generally conceded that women lawyers are painstaking and conscientious. It has, and will be for many years, a difficult thing for a woman to establish a lucrative practise. She has not the confidence she should receive from her own sex—not past the line where a fee is exchanged for advice. The experience of women lawyers generally is that their paying practise is from men clients. Ap-

preciating the added touch of woman's intuition, diplomacy, adaptability and patience, when added to legal training, men very frequently seek their service, and when they do they give them full confidence and their acts perfect credence and ratification. It must be admitted, when the matter of fee is reached the male as well as the female client is apt to "hedge" that idea of value with the age old notion that women are not entitled to as much monetary return for service as men. Men are so used to spending the dollars and leaving only the penny expenditures to the women of their household it is something of a jolt to preconceived ideas to pay a big fee for feminine advice. But while they swallow hard they take the medicine.

It is hard for a woman lawyer to sustain that aloofness from her female clients necessary to sustain the business relation. Every woman lawyer has had dozens of women seek her for advice who, after a few calls, declares: "You know Mary Brown; she is a very dear friend of mine; she's a lawyer, you know, and when I want to know what to do, or not do, I just drop in and have a chat with her and find out the safe course without having any fee to pay." The same women will seek to enlist the womanly sympathy of the woman lawyer in any trial, and, once seeing that sympathy, believes the call of woman to woman demands every effort on the part of the lawyer quite without fee or remuneration. A little old woman lawyer in a western town was once asked by her minister why she did not enjoy the chat of her sex more, why she refrained from all social intercourse with other women, and the old lady replied: "You would never understand, Dominie, for it is your job to hand over all you know of the laws

of God without remuneration other than your small salary, but every time I talk to a woman and she filches free advice from me I am not only swindling myself but some man lawyer out of a client." These facts probably constitute one of the reasons why women lawyers so heartily advocate the instruction of every woman in the outline of certain laws which should be known by every citizen. They are well aware that it would teach, among other things, that taking something for nothing isn't honest and that lawyers should be consulted only where paid service is required in adjusting some matter beyond the power and ability of one untrained in the profession of the law.

Women are received in most of the law colleges in the United States and upon the same footing as the male students. Every year comes many additions to the ranks of women lawyers. There are no especial favors shown them. They must meet every requirement, pass the examinations, and in every way show their fitness before they are admitted to practise. Once upon a time, a very little smattering of law, combined with the gift of oratory, was the only requirement for admission to the bar. That is part of the ancient history of the legal profession. The tendency is more and more toward fearful dignity, solemn procedure and mazes of technicalities. The trial of a case is a battle of polished wit, of trained methods and wide information on cases precedent. No great dependence is put in persuasive argument, but it is feint and counter and throw with the legal jiu jitsu methods of experience and information. In bygone days when a member of the Bar in a small village or town found times unusually hard, prospects discouraging, poor clients too many and the rich clients for whom all

lawyers lie in wait, but a will-o'-the-wispish hope never materializing, he, or she, packed up and set face toward that mecca for all professional climbers—New York. The certificate from the county clerk of “honesty, probity and good demeanor” was the only introduction necessary. But about nineteen hundred and ten there seemed such a glut of lawyers in the New York market, albeit certain skyscrapers were so full their legs and arms protruded from the windows, the Bar Association resolved to put another plank across the portal of such height, breadth and thickness, no lame brother or sister could surmount it, and up went the new rules. A period of service as a law clerk, in addition to the legal course, is required of those who are admitted to practise in New York, and if the applicant seeks admission “on motion” as a lawyer from another State he, or she, must have such an array of affidavits as to character and fitness as even St. Peter, standing guard at the gates of Heaven, has not asked of mankind. There must be proof that the applicant has lived in the State and County not less than a year, there must be the affidavit of two good citizens, and two lawyers of good repute, that the applicant has conducted himself, or herself, as a good citizen since removing to the new location. A certificate must be produced from the court back home, showing the applicant has practised in all the courts and has been of record in cases in the court of last resort for not less than five years before removing to New York. Also there must be a personal letter from one of the judges of the court of last resort, testifying to the personal record of the applicant and his standing at the Bar of his home State. With these credentials the applicant must find a lawyer in New York who will present him, or her, to the character committee,

and at least two members of that character committee must have a personal acquaintance with the applicant. All the credentials of the applicant are scrutinized by the committee, and if the endorsement of that august body is secured the applicant, if he or she has survived to that point, is stood before the judges of the Appellate Division of the Supreme Court of New York and there is administered the oath obligating the newcomer to support the Constitution of the State, and the Constitution of the United States, and to conduct himself, or herself, as an honorable member of the profession of the law.

The first record obtainable of the admission of women at the Bar comes from the State of Iowa which, in 1869, admitted Mrs. Emma Haddock, wife of Judge Haddock, of Iowa City, and Mrs. B. A. Mansfield, of the same place. The "Legal News," of February 9th, 1870, says: "Mrs. Haddock and Mrs. Mansfield were admitted to the Bar of Iowa under a statute providing 'any white male person, with the requisite qualifications, should be licensed to practise law.'" In explanation further of a departure from all rule and precedent, the "News" said: "It was held that words imputing the masculine gender only may be extended to females, and the court finds that the affirmative declaration that male persons may be admitted is not an implied denial to the rights of females."

Mrs. Haddock and Mrs. Mansfield probably proved the inspiration to Phoebe Cousins, who applied for admission as a law student in the Law School of Washington University at St. Louis, in 1869. Two years later, in 1871, Miss Cousins graduated from the institution and at once applied for a license to practise law in all of the courts of the State of Missouri, which was granted

her. "The Legal News" said: Missouri under a statute providing that any person possessing the necessary qualifications may be licensed and admitted to the courts, including the Supreme Court of the State, in April, 1871, admitted Miss Phoebe Cousins." It was recorded in the same journal that a Miss Barkalow was admitted in the same year, in the same court which passed on Miss Cousins' application.

Maine under a similar statute admitted Mrs. C. H. Nash in 1872.

Belva Lockwood, probably the most widely known woman lawyer in the United States for nearly half a century, was admitted in the District of Columbia in 1871, and was the first woman admitted in the United States Supreme Court at Washington, her appearance and argument of an important case creating a sensation at the time. Mrs. Lockwood remained in active practise from the time of her admission in '71 to the time of her death in 1917.

The difficulty experienced by some of the women who blazed the way for the sex at the Bar is shown in the experience of Myra Bradwell and Alma Hulett, in Illinois. Myra Bradwell was editor of the "Legal News," was recognized as an authority on many legal matters and was highly honored for her extensive education and information. She applied to the Bar of Chicago for an examination to practise law. She was refused on the ground that she was a married woman. The opinion was held that a married woman had no right to independent action, that her husband controlled her and hence she could not represent the interest of clients. She appealed to the United States Supreme Court and lost her cause. Then a young woman named Alma Hulett,

who studied law assiduously while working as a clerk in a law office at Rockford, Illinois, presented herself as an applicant for examination and a license to practise. She was refused. Possessing that persistence of purpose which is an attribute of a good lawyer, as well as knowledge of the law, she prepared an elaborate exposition of her case, with many legal citations on constitutional rights and technicalities. She also prepared a lecture and she travelled about giving this lecture in order to earn necessary funds and to awaken general interest in her case. Then she went before the Illinois legislature and secured the privilege of addressing that body. So well did she argue and so just was her cause, the following bill was passed, and under its provisions she was permitted the examination for applicants to practise law and was admitted to the Bar, being the first woman to secure that privilege from the State of Illinois:

“Be it enacted by the State of Illinois represented in the General Assembly, that no person shall be precluded or debarred from any occupation or profession or employment (except military) on account of sex. Provided that this Act shall not be construed to affect the eligibility of any person to an elective office.”

It was a full quarter of a century later before a woman was admitted to practise law in Europe. In 1900 France admitted women and they are now practising before the Tribunal of Commerce, all civil and criminal courts, military courts, courts of appeal and children's courts. In 1916 there were thirty-six registered women lawyers actively engaged in the practise of law in Paris. France has long held men and women nearer equality of citizenship than other countries.

While women are granted the rights and privileges of citizens that they are held to the same accounting for breaches of the law may be judged by the even-handed justice meted the dancer, Mata Hara, who was discovered and convicted of espionage early in 1917. The woman had relied on her sex for immunity, but when she had been given a fair and impartial trial, when she had been proven guilty as a spy, she was convicted, and one morning she was taken out and shot with the same form and procedure which would have been given a male criminal.

Some of the countries of Europe exclude women from law colleges and it goes without saying they are the countries in the rear of the march of progress. Bulgaria is an instance. Turkey also excludes women from law schools and refuses to permit them to act as lawyers, but any woman may appear in court and plead her own cause. In Russia women have had a long and varied experience. With the rise of certain revolutionary elements they would win a degree of recognition in the law colleges, only to lose it on the downfall of the movement. Their patience and perseverance seems never to have flagged. Women ambitious to become lawyers appear to have possessed something of the rugged courage which enabled a company of Russian women to so prepare and equip themselves as soldiers and to so fearlessly fight when sent into battle, they won honors and decorations and the title of the Legion of Death. For notwithstanding the fact women law students had repeatedly been turned from the colleges of Russia there was held intact nearly two hundred members of a woman lawyers' association in Petro-

grad and Moscow for ten years. A majority of these women graduated from universities in France.

In 1906 Russia threw wide the doors of her colleges in all branches to women, but the right to study law was taken from them again in 1908 and they were expelled from the institutions. Oppression was so great throughout Russia it seemed to breed among women, as well as men, a desire to know law, to be able to practise law, so that they might go before the justices and tribunals with their complaints. With faith in ultimate freedom women went on with their legal studies, sometimes finding it possible to attend the universities of other countries, and when they could not, they pursued their studies under private tutelage. Between 1908 and 1910 there was much agitation of the question of the right of women to admission to the law classes of the colleges and they were again given permission to enter the law departments and to the same examination as male students, and there was a decree empowering the Minister of Education to enforce the right of the women. It is of record, however, that in the same year a woman appeared in court to defend a criminal case and the Chief Justice thereupon adjourned court and left the room to show his disapproval of women lawyers.

Relating the difficulties experienced by women in their effort to find recognition in Russia as lawyers, Mlle. Justine Klotz, a well educated young French woman lawyer, who lived long in Russia, says: "In 1910 the representatives of the Progressive Party introduced in the Douma a bill, which would enable women to be admitted to the Bar. During the discussion the Progressive Party and the Centre declared themselves in favor of the bill; however, no definite action was taken. Delegations of

women law students had interviews with representatives of the Department of Justice and everyone of them declared emphatically in favor of the reform advocated in the bill. As a result of the campaign made there was introduced in the Douma on February 20th, 1912, a bill entitled "Rights for Women Lawyers." In May the Douma discussed and favorably passed the bill. In an extensive report printed, which gives details of the discussion, a comment is made on the ease with which people may be deprived of rights, who have no status before the law, as a reading of the Law Statutes of 1864 shows very clearly there was no prohibition of admittance to the Bar of women."

In December, 1913, the Commission of the Imperial Council accepted the Proposition of Law concerning "The Rights of Women Lawyers," but in 1915 the proposition was abrogated by the Council and a new Proposition of Law relating to women lawyers was introduced, as follows: "1: Women are enabled to act as lawyers. 2: Women have equal rights with men to be eligible to the jury." Clause "2" was the joker put in the bill to assure its rejection and when it came up for final action in 1916 the bill was overwhelmingly defeated.

Mlle. Klotz says: "As to the admission of women lawyers to the Bar of Russia, nobody believes that the profession should be closed to them; and as the reform is advocated by the majority of the Douma, the Bar Association and public opinion, there is hope that in the near future women lawyers will be practising in Russia the same as men." This opinion of Mlle. Klotz, expressed late in 1916, was prophetic, as the successful revolutionists who deposed Czar Nicholas declared, as one of their first acts, the entire equality of women in citizenship and

ll its rights and obligations. The see-saw of events which placed His Imperial Highness Czar Nicholas in the depths of despair and the degradation of forfeited civil rights and personal freedom, elevated the women of Russia to the independence of place and position in the law they had so long sought, but a peaceful and stable government for Russia is but a hope and desire of this decade, and women will have much of the conflict which must be faced by all the people of that great Empire.

Sweden admits only unmarried women to the Bar, it being the Swedish belief that married women are not free agents, hence they are unable to represent the interests of others.

In British India in 1916 Miss Guha who had received her degree as Bachelor of Law from a French university was denied the right to practise there.

Italy permits women to take the degree of law in her colleges, but the courts are not open to them as lawyers. The question has given rise to much agitation by the progressive women of Italy, for, like the girl who sought permission to go in and swim and was told: "Yes, my dearest daughter, hang your clothes on a hickory limb, but don't go near the water." The degree of law, without the right to practise, grants something but withholds much.

Australia has long treated her women citizens generously. There they are permitted to enter the colleges, take degrees the same as male students and they are permitted to practise in all of the courts.

Switzerland admits women as lawyers in her courts and there are women actively engaged in the practise of law in Zurich, Geneva, and some of the Cantons.

In 1913 the first woman lawyer to break into the courts of Portugal was Dr. Regina Quintelitta, and her conduct of a case at Lisbon was so brilliant and successful it was commented on by the press of the whole world.

Women may study law and take degrees in Roumania, but they are denied the right of appearing as counsel in the courts, the privilege having been expressly denied to Madam Melie Nugratel in 1912.

Late in 1916 Natividad Alemade, a young woman who graduated from a New York law college, was admitted to practise in all of the courts of the Philippine Islands. Some time later she took a case on appeal to the highest tribunal at Manila, wrote her own briefs, argued the questions of law and fact and secured a judgment for her clients, though opposed by some of the most brilliant men at the Manila bar.

Women lawyers in England have had a long and fierce fight for admission to practise in the courts. They have won the right to study in all of the law colleges, but the bar examinations are open to but one of the four Inns of Court. The benches of the Inns have the right and forbid women practising before the courts. In 1912 four Cambridge and Oxford students, Misses Bebb, Costello, Ingram and Nettlefold applied for examination to the Law Society. They based their claim upon the Solicitors' Act of 1843, the governing statute regulating the qualification and admission of solicitors. This Act contains an interpretative clause, enacting *inter alia* "That any word importing the masculine gender only shall extend to and be taken to include the female." The young women were denied the right of examination, the Court of Appeal sustaining the refusal of the Law Society. The sense of the decision in the matter was

that, as women never had been admitted they were therefore disqualified, the common law of custom overriding, and the only road to admission, it was pointed out, was recourse to Parliament for an enabling statute.

In 1913 Lord Wolmer sought to secure the enabling statute for women solicitors, barristers and parliamentary agents, but it found no support. Later in the same year a one-clause bill was introduced by J. W. Hills, with intent at the least time and consideration of Parliament to enable women to become solicitors. There developed much sentiment in favor of the proposition and it seemed well on the way to successful passage when the outbreak of the war halted all consideration of the matter.

In the British dominions generally the disqualifications of women as practising lawyers has been removed. They are received on the same footing as men in New Zealand, the greater part of Australia, and in Canada. That the self-sacrifice of all the women of Great Britain, and their whole-hearted support of the government in war time will secure for them the long-desired recognition in all branches of politics, commerce and the professions is generally conceded, that it will also go farther than any demonstration of militant tactics in winning for women lawyers the right to practise in the courts, is a foregone conclusion.

In the United States women have been admitted to practise law in all of the States but Virginia and Arkansas, and as the latter State has granted women limited suffrage and many concessions in regard to their property rights, the way is paved for women at the Arkansas Bar. Late in 1916 Georgia passed the "Portia

Bill," which opened the courts of that State, after many years of effort, to women lawyers.

Illinois has many women practising in her courts and she has women doing splendid work in the children's and morals' courts and as justices of the peace. The Illinois Woman's Bar Association has a standing quite equal to the State association of men lawyers. Boston has an organization of women lawyers and there are other organizations of women of the legal profession, but the only association national in scope is the Woman Lawyers' Association, which meets at the County Lawyers' Association Rooms in New York City. It counts among its members women lawyers in every State where they practise, having a total membership of more than two hundred members. The president for two terms of the organization, Mrs. Olive Stott Gabriel, graduated from the New York University law department. Mrs. Gabriel is a native of Portland, Oregon, but has lived long in New York City and has an international reputation among those who labor to save and secure young girls who have drifted from the strait and narrow way or who have been the victims of the white slave traffic.

Mrs. Gabriel has done much to gain for women lawyers the recognition to which they are entitled. Discussing the aim of women lawyers to secure better legislation for women and minors, Mrs. Gabriel says:

"Woman's chief interest is first and foremost of the children. With primitive woman this interest centered in her own offspring, but organized womanhood has evolved or developed a spirit of universal motherhood, and the women's clubs once criticized and condemned as the menace of the home, has come to be recognized as the agent of home extension as well as home making,

friend and guardian of defenseless little ones and the ally of the public school system. Women lawyers individually, and in their associations, seek untiringly for to protect and defend the home, for clean milk for babies, home economics, sanitation, education, pure drinking water and a better moral standard. They seek service reform, opportunities for industrial training and knowledge of parliamentary law. We have a walk with nature, a better understanding of art, literature and music, a wider outlook upon life, a broader vision, deepened sympathies and an optimistic faith in the future big with promise for women because of our legislation and our opportunities to come in close contact with everything worth while in the march of a progressive civilization."

Miss Mary Wood and Miss Helen Varick Boswell, graduates of law colleges, preferred the field of politics to the practise of law and both have stood high in the political history of the nation. Miss Boswell was put in charge, at national headquarters, of the woman's division of the Republican party, in four successive Presidential campaigns. With extreme tact and ability she kept herself in touch with the political situation throughout the country, and, largely due to her legislation, she had a grasp and understanding of the complex questions presented the people to decide them in the vote for governmental protection, and so was enabled to direct the campaign in masterly fashion. Miss Mary Wood was associated with Miss Boswell in conducting the woman's political aid in national campaigns as chairman of the legislative committee of the General Federation of Women's Clubs, she patiently pursued a campaign of education of her sex in the laws

most needed for the best interest of women and minors throughout the United States.

Mrs. Jean Norris, who preceded Mrs. Gabriel as president of the Woman Lawyers' Association, held place as one of the best known women lawyers at the New York Bar, and when Mrs. Carrie Chapman Catt sought to place the proper legal safeguards around the million dollars left by Mrs. Frank Leslie to the cause of woman suffrage, she employed Mrs. Norris to form a corporation and to act as the legal adviser on all disbursements, expenditures and investments from the fund.

Within a week after the suffrage amendment was passed in New York, Miss Helen P. McCormick was appointed to the post of Assistant District Attorney by Mr. Harry Lewis, District Attorney of Kings County. Thus for the first time, in 1917, a woman invaded the judicial arm of the law in the East, though in the west and middle western States women held office as Assistant Prosecutors, Assistant United States District and States Attorneys since 1912. Miss McCormick being a young woman of unusually charming personality, educated in broad fields and possessing ability in her profession to an unusual degree, her appointment met with the high favor and the commendation of the entire legal profession and community.

Another early result of the granting of suffrage to women in the State of New York was the appointment by Governor Whitman of Mrs. John Francis Yawger to the Board of Probation Officers. While Mrs. Yawger did not come from the legal profession to the post, as the wife of a well known member of the bar of New York she had pursued with him the study of law in all its branches and so her appointment came as the opportunity

to use her information not only of humanity, social conditions and the rules of government, but her actual knowledge and experience of the enforcement of law, tempered with that mercy which betteres the community and the State.

It is no longer an unusual sight when women appear in the courts of New York to argue their cases and it would be noticeable if any day passed without women lawyers and women law clerks going in and out of every court room and every city department. There is no conflict between them and the men in the same profession, rather is there a spirit of great kindness and a desire to be of mutual aid and assistance. The matter of sex is disregarded in noting the strength or weakness of the case the woman represents.

Mary Elizabeth Lease, the lawyer, author, lecturer and publicist, was long affiliated with the New York Bar. It was Mrs. Lease who about eighteen eighty-six jarred the attention of Kansas, and later of the whole nation, by her meteoric career across the West in a blaze of wonderful oratory advocating certain reforms. She had studied law from small girlhood and was admitted to the Bar of Kansas when she was twenty-one. At various times she appeared in different States as associate counsel in important cases, for she was everywhere conceded the silver-tongued woman orator of America. She was one of the early "homesteaders", and to her "home" meant not merely a place of residence, but a sanctuary built upon a foundation of toil and privation vesting in it certain inalienable rights of the homesteader—so she launched a campaign against excessive taxation and foreclosure. It was largely due to her unceasing efforts an abatement was brought about of the worst of the troubles

of those who sought to maintain in security a permanent roof tree in her native State of Kansas. It was she, too, who was largely instrumental in bringing to public attention the theory of land as surety for loans and governmental aid for homesteaders. It was Mrs. Lease who was able, by reason of her legal education and training, to sweep clean of lax systems the harbors of the State's charges of excesses and abuse, and while at the head of a board of investigators of the eleemosynary institutions of Kansas, to which place she was appointed by the Governor, she brought justice to children, the witless, the dependent, and social pariahs, purging the public institutions of the State from reproach. Following this work she was called to the National Conference of Eleemosynary Educators and was by that body presented with a bronze medal of honor. Her work was lasting in Kansas because always Mrs. Lease was the lawyer and she went to the fountain head to secure proper reforms, and secured from the law-making bodies the corrective legislation needed to work out the best ends.

In addition to her legal work Mrs. Lease, on the rostrum of almost every State, delivered her stirring addresses: "Sinews of Suffrage," "The Constitution of the Republic," "Statesmanship and Peace," "A Vision and a Realization," "America," "As a Man Thinketh So Is He," and "The Women of Shakespeare."

In 1917 Illinois had an Assistant Attorney-General, a woman lawyer, and Arizona similarly honored a woman. The same year Lita Belle Hibbin assumed the office of District Attorney of Los Angeles, California, and Annette Adams became Assistant United States District Attorney for the northern district of the same State. Western States all along the line placed women in pub-

lic office where legal training was necessary, and, the first woman appointed to responsible place having demonstrated their efficiency there followed the appointment of women as Public Defenders, Justices of the Peace, Assistant Judges, Judges of Children's Courts and other judicial place and preferment.

Nellie Carlin, the dynamic and brilliant woman lawyer of Chicago, was appointed in 1915 to the post of Public Guardian of Cook County and at no time during the incumbency of her office was there less than a thousand estates of minors in her care.

Judge Reah Whitehead made history for women as Seattle, Washington's, woman judge. Miss Whitehead in an interview about her work and the aspirations of women to the bench and Bar said: "I have no ambition higher than the justice's court. People seem to think that when a woman steps into some public office she expects to hurdle along and become President of the United States. I'm not bothering my head about anything except the business of my court. There is plenty of need and plenty of work for women on the bench." It may be noted, *en passant*, that Judge Whitehead heard and disposed of five hundred and seventy criminal cases in the first year she was a judge. She said "Women pioneers in the law are not on the defensive. I don't believe that the world should expect women who are on the bench, or who are practising law, should produce great judges or particularly brilliant lawyers for some time to come. Occasionally there are brilliant men in these fields, but you must remember that for years and years, and hundreds of years, men have made the laws and men have passed on the interpretation of man-made-laws. Until women have an actual hand in the framing of laws, the

point of view between men and women judges and men and women lawyers will be different. There is no man's world and woman's world as separate planets. We are living in the same world. But the point of view of men differs from that of women and until laws are framed with a common idea of justice it is not likely that women will produce the proportion of brilliant legal lights that comes from the ranks of men."

As an instance of the inadvisability of forcing public opinion by legislation may be cited the record of Margaret Gardner, one of the most capable women lawyers of the West. After her graduation in law from a California University, but before her admission to the Bar, she was appointed to the position of clerk in the office of the City Prosecutor of Los Angeles. Her salary at the beginning was very small and the appointment was looked upon in the nature of an experiment. Within three months, her salary was doubled because of the excellent work she accomplished. When Miss Gardner was regularly admitted to the Bar she was appointed Deputy Public Prosecutor, serving under the terms and conditions and the salary provided in the ordinance establishing the office. No special legislation had been evoked to give her the position of Deputy Prosecutor, the question of sex was not raised, it was simply a matter of appointing to the position a person qualified and having shown special fitness. She made good. The precedent was thus established of appointment to public office being made on qualification and without reference to sex. In direct contrast to this was a condition soon after established by the special ordinance which was passed, CREATING the office of WOMAN Deputy District Attorney of Los Angeles. Under this abortive legislation there could be

but one woman Assistant District Attorney in Los Angeles.

Katherine S. Clark was a Justice of the Peace in Oak Park, Illinois, and Mrs. John C. Duff occupied a similar position in Chinook, Montana. In 1914 Mary Bartelmy was raised from a minor court office in Chicago to the position of associate judge of the Children's Court. Chicago has what is known as "The Morals Court" for the trial of women for violations of the law regulating moral conduct, and Mrs. John Francis Yawger, the first woman to serve on the Board of Probation of New York, president of the Federation of Clubs of New York City, and one of the best known, ablest and most progressive clubwomen in this country, visited this Moral's Court, and when asked for an opinion from her personal observation, said: "I spent a few weeks in Chicago, and while there I visited the several courts, among them the Morals Court, and there I saw a demonstration of what a wonderful amount of good a woman assistant judge in any court could do, for the woman assistant judge of the Morals Court in Chicago was doing a remarkable work. It has made me glad to know women are striving to be appointed as judges of Children's and Domestic Relations Courts in New York. I truly hope for the day when we will see New York wake up to the necessity, for I made a short study of the work of a woman as judge, and I had ample proof of the wonderful amount of good a woman in such a position can accomplish."

Irvin S. Cobb, the very successful writer, was at one time a student of law in Paducah, Kentucky, his home town, and found in court records, and in the romantic and eccentric old Circuit Court judge of McCracken

County, who he named in his stories "Judge Priest," a never-ending source of inspiration for his best work. When a number of women lawyers launched a woman lawyer's magazine in New York, called "Oyez," which had to be put aside after a short career, to await conditions more advantageous and normal after war time, they called on Mr. Cobb for his opinion of women in the legal profession, and Mr. Cobb sent them the following:

"When the world is so full of half-portion lawyers of the masculine gender we should welcome every full-sized Portia who comes along. Personally I am for the woman lawyer and I wouldn't object to a woman judge once in a while.

"IRVIN S. COBB."

If a nation is strong and stable it is because it has good laws and their fair and just enforcement. As women forge ahead in every branch of commercial effort and all of the professions, becoming every month and every year a larger element in the life of the nation, they should be given the greatest facility for securing information in the laws of the land to assure their being an aid to the Government. Along with the history of the rise and fall of nations, the record of literature in its many angles and colors as it has been built since the day of Moses, and side by side with the geography of the world, women of today and tomorrow ask and need light on the laws which guide and control their daily affairs. Through the confusing haze of technical phrasing the plain lines of law and equity must be more clearly etched that all may read and understand.

Truly the best thought of a generation crystallizes in a reform.

III

WOMAN'S LEGAL STATUS

THE power is vested in the legislatures of the several States to make, ordain and establish all manner of laws, statutes and ordinances not repugnant to the Constitution and deemed for the best good and interest of the Commonwealth. It is by and through these law-making bodies women must seek more uniform laws, for conflicting legislation increases the ambiguity of their legal status in the United States. In Colorado a woman has about all of the rights accorded the male citizen, except jury duty, while in Louisiana a woman, if she is married, can only sue and be sued when authorized by her husband, or the court of her domicile. In one State she may contract and be held for her contractual obligations, while in the adjoining State she is often a rimless cipher in the purview of the law. By study and comparison of the statutes of the several States may be evolved such measures as will tend to establish a generally fair legal status for women, which would mean a government of the people, for the people, and by the people, along with the concession that women are "people."

A woman may be divorced in one State and held to be not divorced in another State, which means that children may be legitimate in one State and deemed illegitimate in another.

In some of the States children of very tender years are permitted to legally contract marriage, though in the same States they would not be held competent to make any other form of agreement. In States where the greatest protection is given minors the age limit for contracting marriage is the same as for any other form of contract.

Equal guardianship of children is yielded mothers in some of the States, joint guardianship in others, while in certain States the guardianship falls to the mother only if the father died without having delegated his authority to another.

Surveying the varying laws of the forty-eight States, women note the fact that in one place she may own property and in another only with the by-your-leave of her lord and master, that she can do certain things here which she would be refused elsewhere, and as the husband is generally the head of the marital domicile, moving it where he pleases, women chance much sacrifice when they promise to love, honor and obey.

In any State where married women are not *sui juris*, where they cannot sell, mortgage or otherwise hypothecate their property, where they cannot have a voice in the selection of the marital domicile and have the right to assert choice of citizenship, where they cannot contract and be held for their contractual obligations, they are in a state of legal servitude, which, if more generally understood, might reduce the business of the Marriage License Bureaus.

The torch of woman's emancipation comes blazing new ways and lighting dark corners. In its wake follows legislation which gives to men and women the same

legal status, whether constituting a right, or privilege or claim, the protection or defense of the party.

Legal status is of vital import to women. They should know the laws of the State where they dwell, which affect their personal and property rights, and something of the legislation of other States, especially where it affects labor conditions. When they bid farewell to school it should be with some idea of the rights and obligations of citizens. They should know how to make valid contracts and under what provisions of law obligations may be enforced or abrogated. The legal status of women can only be clearly and satisfactorily established by uniform laws throughout the United States and that great desideratum will be assured only when women citizens themselves understand their legal disabilities well enough to make concerted effort toward betterment. Information will lead to interest, interest to effort, and effort to uniformly fair and equal protection of personal and property rights, wise safeguards for working women, for destitute mothers and orphans, and a better adjustment of social and morals laws and penalties.

Careful and intelligent progress by women in the shaping of such new laws as are intended to equalize their status with the male citizen will best demonstrate their right to citizenship with its resultant duties and obligations. In the multiplicity of laws now cluttering our Statute books a few more, unless direct, forceful and pregnant with reform, will but add to confusion. In 1913 more than two thousand bills were introduced in the Wisconsin Legislature, of which eight hundred and twenty-three were passed. Like the king who, with his forty thousand men marched up a hill, many of those

eight hundred and twenty-three bills will march down again without results. The legislative bodies of other States stagger session after session under useless loads. Wherefore it would seem that a Bureau of Legislation, with women fairly represented, to which all bills would have to be submitted for approval before introduction, is a dire need.

✧ In the matter of American citizenship the Government leaves nothing in doubt. The American woman who marries an alien loses her American citizenship during the existence of such marital relation. Even if the couple live in this country, unless the husband becomes a naturalized American citizen, the American-born wife remains from the moment of her marriage the subject of the country of her alien husband. The Act of March 2, 1907, provides: "Sec. 3.—That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad by registering as an American citizen, within one year, with a Consul of the United States, or, if residing in the United States, at the termination of the marital relation by continuing to reside therein.

"Sec. 4.—That any foreign woman who acquires American citizenship by marriage with an American shall be assumed to retain the same after the termination of the marital relation if she continues to reside in the United States unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or, if she resides abroad she may retain her citizenship by registering as such before a United States Consul one year after the termination of the marital relation." ✧


Within the first twenty-four hours after the vote had

been counted which assured suffrage to women in New York by reason of the passage of the suffrage amendment, there was started by someone the rumor that married women would be unable to avail themselves of the newly granted franchise, the marital disability disqualifying them. There was consternation. The telephones of every lawyer in New York were overtaxed with pleading for information. Every male lawyer consulted who chanced to be a married man, sidetracked any business on which he was engaged to fully relieve the doubt about the right of a married woman to vote, the same as an unmarried woman, provided she had the same qualification the law would require of a male voter. Any bar in the way of the great mass of women who had worked, almost without ceasing for years, to their exercise of the vote, boded ill for the marital relation! The misapprehension grew out of the words in the suffrage amendment: "Provided, however, that a citizen by marriage shall have been an inhabitant of the United States for five years." That reads quite clearly, but the meaning became twisted into a bar to all married women. The law and the fact is that when a foreign woman marries an American citizen she at once, *ipso facto*, becomes an American citizen by reason of her marriage, under the clause heretofore quoted of the Federal Act, but she could not at once exercise the right of an American citizen by the vote, she would have to be a resident of the United States for a period of five years, after citizenship had been conferred by marriage to an American, before she could exercise the right of voting. Under the same Act the American woman married to an alien husband, though continuously residing in the

United States, could not avail herself of the right of women to vote.

A striking illustration of the hardship which must sometimes result when a woman is not permitted to declare citizenship regardless of her husband, is that of the late Inez Milholland Boissevain. This intensely patriotic American girl married a Belgian gentleman, and after a brief honeymoon they came to this country to live. Miss Milholland had been a conspicuous figure in the front rank of women lawyers prior to her marriage, but on her return to America after her marriage she found she had forfeited not only her American citizenship, but by reason of that loss, her right to practise law in the courts. On a trying campaign in the interest of women, which took Mrs. Boissevain to the Pacific Coast, she died. There have been few men with minds more brilliant than this wonderful superwoman possessed, and there never will live any man with a finer conception of real citizenship and its duties. While there was much said at the time of Mrs. Boissevain's death of the injustice done by the Government in its refusal to permit her to retain her American citizenship, war conditions immediately following showed the Act of 1907 to have been a wise provision for the greatest good of the greatest number. No one would have recognized the value of the precaution more quickly than Mrs. Boissevain, or would have seen more clearly the need for more restrictions against these houses divided against themselves by fealty to husband or wife, and to country.

Even the most superficial examination of the common law and the statutes of the several States, shows almost uniformly the complete guardianship of the wife by her husband is recognized. It is the carrying out of



the contemplation of the law that the husband and wife are one person, giving the husband wide power and authority over the acts and estates of his wife, the merger having submerged the personality of the wife in the personality of the husband. While Legislatures have attempted to protect the property of women after they married there has been little done to protect the personal rights of the woman. The domicile of the husband is the domicile of the wife. The citizenship of the husband is the citizenship of the wife. The name of the husband is the name of the wife. Hence, with customs established so long (since when the mind of man runneth not to the contrary), giving certain advantages to men, changes to equalize the status of woman must come slowly and by the only safe road of the law.

From the legal viewpoint the status of women has been gradually changing and bettering for women and is a reflection of the civilizing and Christianizing effect of understanding and toleration. Some idea of the progress made by women in the past few decades may be gained by a comparison of their status in States where they may contract and be contracted with, sue and be sued, and their condition in the time of Edward III., as shown in the recently evoked statute under which Sir Roger Casement was tried for high treason. That statute defined "petty treason" to be "lack of faith, as when a vassal slays his lord, a priest, his bishop, or a wife her husband." Women advanced by leaps and bounds in the next three hundred years, for when Queen Mary, the consort of William III., passed on to that reward promised even to some crowned heads, her body was accompanied from Whitehall to Westminster Abbey by all the justices and sergeants of law attired in black

silk gowns as mourning garb. Since that time justices in England and elsewhere have worn the self-same style of black silk gown as an insignia of the high office. Women find some pleasure in this honor paid a woman, even though a dead woman.

In the United States the legal status of women grows yearly nearer that perfection of equality and freedom which might be expected under our Constitution. Women are coming to be regarded more generally in the law as citizens who are taxed and who pay, who are called upon to bear an even share of the nation's burdens and who are not slackers, who utilize the equal education and commercial opportunity granted them to do their part of the day's work.

That woman suffrage aids in the advance and equalization of the status of women there can be no doubt. In States where suffrage is granted to women much has been done in the way of wiping out the inequalities between men and women in their property rights. Governor Carlson of Colorado declared: "One of Colorado's greatest assets is her voting population, which consists of intelligent women as well as men. In all reforms the women have taken an active part, and important movements have often had their inception in small gatherings of public spirited women who were willing and able to give time to forwarding questions which at first sight men may have deemed unimportant." And John M. Parker, of Louisiana, Vice-Presidential candidate of the Progressive Party in 1916, a man who has led every worth-while reform in his native State since the Civil War, a man whose high ideals and honor has never been impugned, pays to women a high tribute in the following story he once wrote the author:

"My fondness for fishing and hunting has made me many friends among those leading the simple life and living close to nature. Their judgment is clearer and better than those contaminated by commercial and political life.

"One day, sitting on a log eating lunch, one of those grizzled farmer friends, a splendid man, said: 'John, this woman suffrage business has made me do a lot of tall thinking. Nine times in ten my wife would vote with me, the tenth time SHE would be right.'

"Woman's sense of right and wrong," concludes Mr. Parker, "is much better than man's, her sense of perfect justice, much sounder."

There will always be women shielded in their homes from every adverse wind of fortune, and these women may not feel so keenly the need of legal status as women who must work to live and those who have great responsibilities thrust upon them. But it would seem quite beyond question that the greatest good to the greatest number of women demands that there be no sex discrimination in the application of the law or the status of women in the law. Whether a woman is married or unmarried she should be fully able and have the same capacity to acquire, hold, manage, control, use and enjoy property as the male citizen, and married women should be emancipated from all disability on account of coverture. The whole trend of legislation is toward granting to women this equality of citizenship. The legal status of women in the United States is seeking, and finding, the level of justice.

IV

MARRIAGE AND DIVORCE

THE disabilities of married women seem incompatible with the freedom enjoyed under our laws by men and unmarried women. The single woman, over twenty-one years of age, has nearly all of the rights of the male. She may contract and be contracted with, she may sue and can be sued, she buys and transfers real property without the permission being required of anyone, and she divests herself of these rights when she becomes a wife, to a varying extent in the several States. The condition in some of the States of a woman who marries is but a step removed from that which existed in the days of the feudal system when it was believed the peace of the community could only be assured by the dependence of the population on feudal superiors.

Legislatures seem to have legislated all around the subjection of the wife to her husband. Property rights approach an equal standard, but there has been little or no change in the legal servitude created by the lack of personal rights for married women. Girls are educated with an idea of their marriage at or about the time of their maturity—the age of reason. The moment a girl enters the marriage contract she renounces that legal freedom she should enjoy the more liberally on attaining her majority, and she places her body and her

mental powers in a state of subjection approximating a lease for life for her board and keep.

It is not the intent of the law or lawmakers to discourage the marriage contract or to have women find its terms obnoxious. It is the "noble institution" upon which home and the Nation is safely builded. In some of the States once the contract is made the parties to it find great difficulty in securing a dissolution. One State, South Carolina, makes no provision whatever for divorce. Once married always married seems to be the maxim of that unique State. The Legislatures of the several States have not met the conditions created by the strides of women in commerce and politics in new marriage and divorce laws. The slowness to meet changed conditions with new laws granting to women greater personal freedom is responsible for the odious "trial marriages," and other forms which seem to guarantee to the woman in the arrangement the opportunity to free herself without the law's delays and at her own option. It seems a very short step from reasonable freedom of action to license. There is no graver problem to the woman of the future than the wisest direction of her efforts in newer and broader legislation on marriage and divorce.

Whether it is agreed that marriages which have not resulted in the perfect union sometimes described as "originating in Heaven," should be dissolved with greater ease, *sans ceremonie*, or that there should be greater difficulty and more legal obstacles, there must be unanimity of opinion that the rule should be uniform throughout the States. The age when the contract of marriage may be entered should also be the same in every State, and until the age is everywhere at

least the same as required to enter any other agreement, there must follow too numerous suits on the divorce dockets. So long as boys and girls, in a spirit of jest, or over-novelized or over-photoplayed emotion, can take on the serious obligations of the marriage contract, there must follow spoiled lives and plenty of business for lawyers who specialize in divorce cases. Section 16 of the Domestic Relations Law of New York, requires with the application for a license to wed, the filing of the written consent of parents or guardians if the male be less than twenty-one years of age and the woman less than eighteen. This wise precaution is nullified, however, if the couple has the fare to some more obliging Gretna Green. *Lex loci celebrati contractus*. There is not in any State any dictum or authority permitting the dispute of contracts made according to the forms of the State where the contract was made. Hence the law of one State requiring a woman to be not less than eighteen years of age when she enters the marriage contract has no force, *proprio vigore*, beyond the jurisdiction of that State, nor can the marriage of children of tender years be disputed by a State with a higher age limit if the marriage was contracted according to the forms of law obtaining in the State where the ceremony was performed.

It is inconceivable that civilized mothers anywhere would sanction the statutory permission to marry at an age less than maturity, and it is not too much to say that where a girl may legally wed at twelve not one woman in one hundred knows anything about law. The awakening of women to the fact that their protective and defensive measures must come from the law-making source of the State arouses them to consider

cause and effect and to discriminate between good and bad laws for women and minors. Whether they exercise the right of suffrage or oppose that privilege, there is started a revolution against legal influence which destroys the home, a revolution, when based on legal information, which must result in the purifying betterment of statutory enactments.

The dissemination of information from public records should urge women to seek legislation restraining incompetents, mental and physical, from marrying. Women of stunted mental growth should be safeguarded from marrying or from becoming mothers, and it is what may not be written or printed which is the strongest argument against permitting the physically and mentally unfit from contributing to the jails and asylums another generation. If you would know at first hand something of the pathetic side of this question go down to the foot of Seventieth street, Manhattan, and watch those who go and come from the charities end of Blackwell's Island, and the city. There is a little ferry, a bit of a water conveyance with a gilt band around the cap of its pilot house, reading "The Bronx." Every hour in the day a motley crowd surges on or off the gang-plank. There are bareheaded women and women with shawls tied over their hair, many foreigners and the daughters of foreign women as well as Americans. They are of all ages, classes and descriptions. All the passengers, old and young, well dressed and well fed, shabby and hungry, foreigner or native born, are going or coming from Blackwell's, that slender ridge of land in the East River which lies like a dead arm on the live civic body of New York. The little ferry makes a brief stop at the end of the Island where the Workhouse is

located, but its terminus is the upper end of the Island, which is under the administration of the Department of Charities. There isn't any fuss and feather. It is the water transport for those who go for a definite or indefinite stay on the island, or who are returning from that internment, with a sprinkling of "visitors" and charitably disposed. Would-be passengers who race down the incline waving for delay are not heeded. The boat leaves when the crowd at hand has been stowed aboard, and with almost as much regularity as the trains at Grand Central Station. The little boat bobs over and back, over and back, every hour in the day. Sometimes at one end of the deck is stacked pine boxes, and the grewsome tenants will no longer be a care or an expense to friends or the State.

The big, squat gray building at the end of the walk from the landing is the Metropolitan Hospital, and up a curving stairway to the second floor will bring you to the baby wards. Behind the glass doors marked "Ward C" there is more romance and tragedy than in any other department of the city, or State of New York. Notwithstanding the popular belief that the mothers cared for here are unmarried, most of the unfortunates have wedding rings, though there are the "other mothers," too. Round the room at the front end of the big hall are the babies in boxes arranged in tiers, all in nice even rows and all scrupulously clean and quite scientifically nurtured. Each box and each baby has a tag with a number on it. But for this numbering system there would be danger of some French or English mother finding herself with a German baby, after awhile, for very little infants look much alike and little Russians, Japanese, Americans, Mexicans, Swedes and Bra-

zilians might easily be tangled beyond future identification.

"Want to see the babies?" the snowy haired nurse asks, and then she uncovers the bits of humanity. "This one," she declares, "is one of the prettiest babies ever born here. Lovely blonde hair and blue eyes, hasn't she? But she is a mute, poor little thing, and her mother died when she was born." There are all kinds in the boxes, chubby and weazened, bright-eyed and red-lidded, pretty and ugly, and the sun which streams through a west window bathes them with the same gentle warmth it yields the happier placed babies who are being sunned in luxurious carriages over in Central Park. In the see-saw of life all things are possible for even these little folks who start with less than nothing, unless a heritage of physical defect weights them.

The mothers of these babies are, almost without exception, women of inferior mentality. Many are very young. There is recorded on the books of the department dozens of cases where the mother was less than sixteen, and even twelve and thirteen-year-old girl-mothers are not infrequent. Also these very young girls are almost without exception, sent afterward to Randall's Island to protect them from further trouble, and the medical examination shows they have the mentality of children of six or seven years.

When an older woman who sat nursing her baby was told the infant was pretty she looked up with a snarl: "Pretty! Huh! What's the use of that? You social servicers and church dames come in here to look us over same as you do the animals in the Zoo. My Gawd, what do you know of trouble! It was hard enough before, but next week I'm leavin' here and how am I

goin' ter make a livin'? Who's goin' ter give work to a woman luggin' a kid along." She noticed the glance at her wedding ring. "Oh, I'm married all right. That's the trouble. My man's got epilepsy and can't work. I helped take care of him before the kid came, but how can I work for both? And it's goin' ter be a sickly kid, too, can't you see? It had a fit yesterday. Trouble! Trouble!"

It is a very rare occurrence that a woman of even fair intelligence finds place in Ward C, and when she does the record is almost sure to show that the father, if anything is known of him, is crippled, in some public institution, or should be.

Perhaps the most tragic part of the experience of the women who are sheltered in Ward C is when they are homeward bound. When they climb down to the deck of the little ferry they seem never to have known how to smile or to hope. Great factory walls, rows and rows of tenements loom against Manhattan's sky-line, a spiked fence to the outcast. Even in the churches there is no time to halt the great work of general uplift and reclamation, done by rule and rote of committees, to seek and aid individual cases. That tide of despairing mothers, clasping babies to rebellious hearts, isn't an upgrade march to the peace and plenty which makes good citizens. The history of many crimes and criminals might be found to have a starting point here.

‡ If the law would safeguard the unfit and raise the age when the contract of marriage may be entered into, there would be fewer criminals and fewer divorce cases.

Marriage between whites and persons of negro descent is forbidden in Alabama, Arizona, Arkansas,

California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia and West Virginia.

The States of Arizona, Oregon, North Carolina, and South Carolina forbid the marriage of whites and Indians, and Arizona, California, Mississippi, Utah and Oregon forbid the marriage of whites and Chinese.

Minnesota and Connecticut prohibit the marriage of epileptic women or an imbecile and the marriage of lunatics is void in Kentucky, Maine, Massachusetts, Nebraska, Louisiana and the District of Columbia.

Adultery is ground for absolute divorce in every State except South Carolina.

A residence of one year is required in the following States to permit the institution of divorce proceedings: Alabama, Arizona, Arkansas, California, Colorado, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

A residence of two years is required to permit the filing of divorce action in Florida, Indiana, Maryland, New Jersey, North Carolina, Rhode Island, Tennessee and Wisconsin.

A residence of three years or more is required by Massachusetts, Connecticut and the District of Columbia.

The States of Nevada and Idaho increase their floating population by permitting citizens of six months to

institute divorce proceedings in their courts. Residence, however, must be actual, not constructive.

The law of Nevada which is deemed the Mecca for so many unhappily wed, is an old one and has been in effect since 1861. Under its terms for a long time it was permitted men and women to stop a brief time in the State, engage a residence, or an office, then leave and only return at the end of six months for the purpose of starting divorce proceedings. This abuse is no longer permitted. If the applicant for divorce leaves the State within the first six months of residence the length of time of the absence, and the reason, must be fully set up, and if it was anything but a necessary and brief trip out of the State, it will be deemed to have interfered with the required time limit wherein divorce action is permitted a citizen. The law reads \

"Divorce from the bonds of matrimony may be obtained by complaint under oath to the District Court of the County in which the cause therefor shall have accrued, or in which the defendant shall reside or be found, or, in which the plaintiff shall have resided, if the latter be either the County in which the parties cohabited, or in which the plaintiff shall have resided six months before the suit was commenced."

The reasons, or grounds, constituting an action for divorce are so many it may be said about the only requirement is a lawyer, but the allegation most frequently made is "Desertion," or "Cruelty." These pleas allow wide latitude. The decree becomes immediately effective. Where personal service of the complaint may be had on the defendant the action may be started without any delays whatever.

In an article discussing the "Divorce Laws of

Nevada," Felice Cohn, a brilliant young woman lawyer, the only member of the Bar of that State, says: "The fact that it requires but six months to acquire a residence in the County in which the suit is brought, added to the numerous statutory grounds on which a decree may be obtained, has attracted the attention of residents of other States and caused a great influx into Nevada. Residence must be actual and *bona fide* for six months preceding the filing of a complaint, not constructive, as some believe. Absence out of the State during the period indicated is closely scrutinized, and unless the reasons are of the best a decree will not be granted. Divorce may be obtained before the six months' residence has accrued if personal service be had on the defendant in the State of Nevada, and no collusion exists. Our laws are liberal, but more than that, they are just, and humane, and it is to be regretted that more States do not amend their laws to conform to Nevada's. Better still would be a uniform divorce law in the United States. New York sends more matrimonial misfits to Nevada than any other State, and in most cases a divorce could be obtained at home, but for the sake of avoiding scandal the litigants come to Nevada to secure a divorce on any other ground than New York's lone ground—adultery. More than four-fifths of the decrees granted yearly in Nevada are to residents of other States who come here for relief denied them at home. This is a condition which should not exist, and will not exist, when laws are enacted in the different States giving adequate and prompt relief to deserving cases."

In Oregon, when the defendant is not in the State, and personal service cannot be had, the law requires service of the complaint on the District Attorney, who

must defend the rights of the absentee. The party to whom the decree is given is entitled to an undivided one-third of the real property. The divorced persons are prohibited from remarrying within six months after the decree, and if they go to another State and remarry to avoid the restriction, Oregon regards such marriage as null within its boundaries.

The State of Louisiana has a long list of reasons for a decree of what is known as "Separation from Bed and Board," and if the parties to such decree have not become reconciled within one year after it has been granted, upon a simple motion showing the fact, the decree becomes one of final and absolute divorce. The woman who is party to such proceeding is forbidden to remarry within nine months. When suit for divorce is filed it must be on the ground of adultery, an attempt upon the life of the applicant, or showing the defendant has been convicted of a penal offense. In either suit for separation, or suit for divorce, there must be personal service on the defendant when possible, and where it is not possible the court appoints an attorney to represent the absentee upon whom all papers are served and who must defend the rights of the defendant.

Kent in his "Commentaries," vol. ii, p. 87, says of marriage:

"No peculiar ceremonies are requisite by the common law to the valid celebration of the marriage. The consent of the parties is all that is required; and as marriage is said to be a contract *jure gentium*, that consent is all that is required by natural or public law. If the contract be made *per verba de praesenti*, and remain without cohabitation, or if made *per verba re futuro*, and be followed by consummation, it amounts to a valid mar-

riage in the absence of all civil regulations to the contrary, and which the parties (being competent as to age and consent) cannot dissolve, and is equally binding as if made in *facie ecclesiae*. There is no recognition of ecclesiastical authority in forming the connection, and it is considered entirely in the light of a civil contract. This is the doctrine of the common law, and also the common law which governed marriages in England prior to the Marriage Act of 26, George II."

Endless litigation has grown out of "Common Law Marriages," those marriages where the parties deemed it sufficient to agree between themselves to live as husband and wife and without conforming to any religious or civil ceremony. When questioned, the vital fact to be established is the existence of a valid contract. By that is meant that both parties to the agreement were able to contract and did contract to hold each other as husband and wife. Mere habitation for any length of time does not make a common law marriage. In the case of the State vs. Hansbrough, 181 Mo., p. 350, where the State based a prosecution for bigamy on recognition of the parties by their friends and acquaintances for twenty years as husband and wife, it was held: It is not sufficient to prove the contract of marriage to show cohabitation and general reputation as husband and wife, for "while a marriage at common law required no particular form or ceremony to make it valid, enough had to be said and done by the contracting parties to make a contract."

When a minor, under the age specified by law when marriage may be contracted, makes a common law agreement of marriage in New York, a suit for nullity may be brought by the minor, or by parents or guard-

ians. Section 1744 of the Code of Civil Procedure of New York reads:

"An action to annul a marriage on the ground that one of the parties had not attained the age of legal consent may be maintained by the infant, or by either parent of the infant, or by the guardian of the infant's person, or the court may allow the action to be maintained by any person as the next friend of the infant."

Similar relief is granted in other States where a minor contracts a common law marriage. But when the judgment of annulment is rendered in the case of minors and there are children of the marriage, much hardship must follow. Justice Ordway, of the Supreme Court of New York, filed the following memorandum in the case of *McCan vs. McCan* to direct attention to this matter of the children of common law marriages where the contract is annulled:

"This is an action for the annulment of a marriage on the ground that the plaintiff was only seventeen years of age when she married the defendant, and left him before reaching the age of eighteen years, and had not cohabited with him since. There is one child born of the marriage and still living. The plaintiff has offered no evidence tending to show misconduct on the part of the husband or any reason for the annulment of her marriage beyond the facts already stated; but she is not required to do so, and any such evidence would probably be immaterial and irrelevant. I regret that I am compelled to grant the decree asked for. It seems to me unfortunate that the law of this State should permit these "trial marriages" which may be annulled at the mere request of either party if he or she was married and left the other party before reaching the age

of eighteen years. In this case such a law is particularly unfortunate in view of the fact that no power is given to the court in an action for annulment of this kind to make any provision for the care or support of children of the marriage. It seems to me most desirable that the Legislature should consider this matter and amend the law so as to protect more fully the marriage relation and family ties. Decision and interlocutory judgment signed and filed."


It has been held that *bona fide* residence of either husband or wife in a State gives jurisdiction in divorce actions. But if a party goes to a jurisdiction, other than that of his domicile, for the sole purpose of securing a divorce, and his residence can be shown not to have been *bona fide*, the jurisdiction had over the marriage in the State of temporary residence, and the decree obtained by such fraud, might be open to attack by the other party. In general the domicile of the husband is the domicile of the wife, but when living apart, and for the purpose of establishing the right to sue for divorce, the wife may acquire a domicile in a State where she goes with the intent to make such place her home. But where neither party has actual domicile within a State the judgment of its courts in divorce proceedings must be nugatory.

Nor can service of process on a defendant be had in another State than where the action is brought. He must be cited either through an attorney appointed to represent his interests by the court, or he must be cited by publication, which is deemed general public notice. Notice by publication is accomplished by a form printed in a public journal or posted as the Statute may direct, usually being on the courthouse door. Notice by publi-

cation is the last resort of the law to give the defendant an opportunity to appear and defend his rights, and it is never so safe in guarding the ultimate judgment from attack as when personal service is shown in the record.

The great need in regard to divorce laws and the age requirement for marriage contracts is that they be made uniform in the United States. Of what avail is it to complain of the New York law, which grants divorce but for one proven cause, when domicile for six months in Nevada will enable an aspirant for freedom to secure a divorce for almost any real or fancied grievance, plus court costs and a lawyer's fee? Of what avail is it to complain that one State forbids the re-marriage of divorcees before the expiration of a specified time, when the seeker for new matrimonial pastures may go to the next State, marry, and be within the law. Or why regulate the age to contract marriage in one State at twenty-one when it is but twelve in another? There is a crazy patchwork of laws so long as the dissolution of the marriage bond is ludicrously easy after a six months' sojourn in one State, while in another there is no provision made for divorce, and in another the bond can be severed only for the gravest reason when a girl not yet in her 'teens can contract marriage in one State when the four surrounding States on its boundaries place the limit at eighteen years.

The great difficulty in establishing uniform divorce laws is to ascertain the precise extent of relief which should be granted to apply to the infinite variety of cases arising from the complicated grievances of society in these modern times. Conditions in one class of society would not be tolerated in another; what is deemed freedom of action in one locality, freedom acquiesced in and



practised by husbands and wives generally, would be deemed intolerable licentiousness in another locality. It is manifestly a hard problem to adjust the divorce laws of Nevada to the New England idea of the moral laws and the sanctity of the marriage contract—as well try to adjust the heathen habits of polygamy, incest and cruelty to the Christian view of morality, law and justice. But one State should not make its jurisprudence an instrument of injustice to the people of another State, and there is injustice in the extremes of the law in the family of States.

There is no branch of the law which should receive from women so much attention as that which regulates marriage and divorce—on the contract of marriage and on the decree of divorce rests property rights, personal rights and the legitimacy of children involved in the maelstrom of marital misfits. If there is necessity for appeal to the law for a dissolution of the marital bond then every step should be taken carefully and every line of the record should be doubly safeguarded. The disregard of rules and laws and recordations has spelled grim tragedies and created much litigation. An interesting instance of this nature occurred in the succession of Benton, a cause which occupied the courts of Louisiana for a long period. The widow of Benton, who sought half the estate of Benton under the Louisiana law of community, and her daughter, who sought the remainder under the law of forced heirship, had to unravel a veritable skein of complexity purposely raised by Benton before his death when he declared he would so tangle his estate that, notwithstanding the provisions of Louisiana law, the wife and daughter should never inherit any part of his property. He allowed his property to be sold for

taxes and bought by a friend with an understanding for later adjustment. But Benton died before the time had elapsed, which permits property sold at tax sale to be redeemed by persons in interest, by the payment of certain penalties. He made a will and left the estate to relatives and friends. He left acknowledgment of debts and obligations which the widow disputed and which, if allowed, would have consumed the estate. Back and forth from the Parish Court of St. Tammany to the Supreme Court of the State branch after branch of the case was fought over. Then one day attorneys for contestants produced a certified copy of a record from the County Court in Vincennes, Indiana, which showed that the divorce from a previous husband, obtained by Mrs. Benton, some thirty years before, had been made final three days *after* the record showed she had married Benton in Cairo, Illinois. If that record was correct then the estate would go to the collateral relatives of Benton for the marriage claimed by his alleged widow would have had no validity. With considerable difficulty the lawyers for the widow Benton secured an adjournment of the case for two weeks and they hurried to Vincennes to find how a divorce secured there bore date several days later than the date declared by the widow Benton to be correct. The books kept by the clerk of thirty years before were unearthed from the archives beneath the ancient courthouse and there it was found that all judgments rendered during the week were entered on Saturday. The original decree which the judge signed was then found and it was discovered that the judgment of divorce between Mrs. Benton and her former husband was rendered on Tuesday of a week, it was not entered in the books of the clerk until Sat-

urday, and she had gone immediately after the decree to Cairo, Illinois, where she married Benton on Thursday of the same week. The copy which found its way to New Orleans, and which had been made from the records kept by the clerk in his once-a-week entries, was incorrect. But that careless entry very nearly diverted a large estate from a widow who would have been left destitute when she was more than seventy years old, and a daughter of the marriage, who had several children of her own, would have been shown to be illegitimate. Benton and his wife had quarreled seriously, and often, and he believed he could prevent her from enjoying his estate after his decease. He was not able to carry his relentless antagonism beyond the grave, but the carelessness of a clerk, with no animosity whatever in the matter, very nearly accomplished Benton's design.

That marriage should be viewed by the parties to it as a contract, that the duties and obligations of that contract should be conscientiously carried out, and, in the event of failure to carry out the duties and obligations there is created a right of action to dissolve the contract, there seems generally full agreement.

Even the Koran recognized the divorce requirement. Mohamet's regulation with respect to wives was:

"1.—Never marry idolatrous women unless they will become believers. A mussulman servant is better than an idolatrous woman, though of highest rank.

2.—They who having wives, wish to make a vow of chastity, shall wait four months before they decide. Wives shall conduct themselves toward their husbands as their husbands conduct themselves toward them.

3.—You may separate yourself from your wife twice; but if you divorce her a third time it must be

forever. You must either keep her humanely or put her away kindly. You are not permitted to keep anything away from her you have given her.

4.—Good wives are obedient and attentive, even in the absence of their husbands. If your wife is prudent be careful not to have a quarrel with her; but if one should happen let an arbiter be chosen, one from your own family and one from hers.

5.—Take one wife, or two or three or four, but never more. But if you doubt your ability to act equitably toward several take only one. Give them a suitable dowry, take care of them, and speak to them always like a friend.

6.—You are not permitted to inherit from your wife against her will, nor to prevent her from marrying another after her divorce in order to possess yourself of her dower, unless she has been declared guilty of some crime. When you choose to separate yourself from your wife and take another, you must not, though you have given her a talent at your marriage, take anything from her.

7.—You are permitted to marry a slave, but it is better that you do not do so."

Voltaire, speaking of the foregoing sections of the Koran, said: "Here is sufficient to reconcile the woman to Mohamet."

There are many sides and many views of the contract of marriage, the responsibility of the contracting parties, the obligation arising to the society in which we live, property rights and the consequences to heirs. Courts can only apply the laws as they are written. The great need is of a general housecleaning of the statute books, and in some instances amendments to State con-

stitutions, expugning of a great accumulation of useless and conflicting enactments, and uniform legislation along certain lines so that full faith and credence may be given by each State to the laws and judgments of the courts of other States, without injustice or confusion resulting.

Under existing conditions of our varied divorce and marriage laws it would seem we have no right to exclaim in horror at the record of certain Biblical characters who maintained wives by the hundred—notably Mr. Solomon. For there are States where it is so easy and inexpensive to have the bond of matrimony legally removed, a man bigamously inclined, or a woman with a hard taste to please in husbands, may take, and dispose of a variety of spouses, one at a time, quite legally.

V

MOTHER'S PENSION

It has taken centuries of civilization to bring appreciation of the obligation of the Government to children. In the mad race for place, and power and position, creation has been too prone to overlook those who could be kicked out of the way and whose voices were too puny to reach the public. There was a time in England when children were not provided with free education in any form, and when the children of the very poor were sold into service by a form of apprenticeship, which spelled absolute bondage. Children of tender years, if convicted of stealing, were condemned to the extreme penalty, which was public execution by hanging. It is a matter of record that in this country, in 1829, there was an uprising of citizens in Philadelphia, the City of Brotherly Love, the city with which we connect our veneration for the Liberty Bell, because the establishment of free public schools was unpopular. There were public demonstrations and the people declared it unfair that one man should be taxed for the education of the children of his neighbor. It was even argued from public rostrums that schools run at public expense would demoralize the community. Men, they said, would grow lazy if not called on to work in order to pay for the education of their offspring. They thought the plan

proposed would undermine their high standards of vigorous citizenship. But a reasoning people, after a hundred years of broadening legislation for the benefit of children finds that child poverty is the chief cause of mental defectives, delinquents and criminals, and the most expensive waste which the taxpayer supports.

It required much investigation of statistics showing the amount required to maintain destitute orphans in public institutions before law-making solons viewed kindly the proposition to give an appropriation to destitute mothers so their children might be cared for by them in their homes. Of course there were instances of private purses being hung by political pull to public coffers. Oliver Twists who dared to be hungry and ask for "more," to complain if the soup was made without meat, the bread was not buttered and the weak tea was never diluted with sugar, were plainly incorrigible and ungrateful. Their wailing brought punishment and a new coat of whitewash for the institutional feeding trough, perhaps a change of handle for the purse.

Then Judge Henry Niel went to the rescue of the poor children.

The public has always been bored by pictures of poverty when there are pleasanter things to view. Orphans without estates to guard were easily lost in the shuffle of affairs. The church with the strongest following secured the largest amount of appropriation and the greatest number of charges to teach its particular creed, in violation very often of the Constitutional prohibition in certain States on the use of public money in sectarian schools and institutions. Children were consigned by courts to institutions without regard for their religious belief, and the iron-clad rule of wor-

ship in the institutional home had to be conformed to, though many times it was like making a round peg to fit in a square hole. Religion taught at a mother's knee is something which cannot be beaten or ruled out of children, somehow each brand of faith, first learned, remains the only known road to salvation. Thus in States where the appropriation for destitute children went to institutions, instead of mothers, many things were considered except the hearts, souls and personal preferences of the children.

It was Illinois which enacted the first Mother's Pension law. It was the effort of Judge Henry Niel which secured it.

In 1911 Judge Niel became deeply interested in the fact that the separation of mothers and children by the courts so the children might be supported in asylums by the State was one long record of heart break. He noted the fact that ten dollars a month was paid from the County Tax Fund of Illinois for each child consigned by the courts to a public institution. "Why is the money not paid the mother," asked Judge Niel, "when it would allow her to support her children at home?" But poor children being everybody's business and everybody's business being nobody's business, there was no answer to Judge Niel. Realizing that a large percentage of the amount annually appropriated for the care of destitute children went to pay high salaried institutional employees, and that far more direct benefit would be enjoyed by the children if they could remain with their mothers, Judge Niel went to the Legislature and asked an amendment to the Juvenile Court Act. The amendment reading:

"If the parent or parents of such neglected child are

poor and unable to care for such child, but are otherwise proper guardians, and it is for the welfare of such child that it remain at home, the court may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents to properly care for such child, and thereupon it shall be the duty of the County Board, through its County Agent or otherwise, to pay to such agent or parents, at such times as such order may designate, the amount so specified for the care of such dependent or neglected child until further order of the court."

This amendment was adopted and from the day of its first application it was declared the real remedy. Otto McFeely relates the following story of the first case which came under the amendment to the Juvenile Court law. "The law was to go into effect on July 1st, 1911, and on June 1st Judge Niel was in the Juvenile Court of Chicago. A mother sat weeping inside the rail which barred out the general public, in her arms she held an infant and there were two children clinging to her skirts. The court was about to take the children away from her and to send them to some asylum as it had been shown the mother was without means and could not properly support them. The story drawn from the woman showed she was well educated and but ten months before she had lived in a comfortable home and had been well provided for by her husband. The couple had not only lived comfortably but they had saved five hundred dollars towards a home they planned to buy. Then the husband, an employee in a steel mill, was killed. The woman had to pay the expense of the funeral and with the remainder of her savings she opened a small boarding house. The venture was not

successful, her small fund was soon used, and she had no further means to pay for food and shelter for her children. Charity experts, the judge, and solicitous lawyers, heard the woman's statement that she could get sewing to do at home which would help keep her children at home but it would not amount to enough to meet the entire expense. It was obvious the individual effort of the woman could not result in sufficient returns to assure subsistence for three children and it was agreed the only thing possible was the asylum. "I will pay her expenses until July 1st," offered Judge Niel, "and then she can get the regular mother's pension." The proposal was accepted and the woman was the first to come under the provisions of the amendment to the Juvenile Court law when it went into effect. For the first time in the history of America the State stepped in to preserve the family. Without the legal aid given a family would have been disrupted when the only charge lodged in the court to justify it was the crime of poverty.

A majority of the States now have the Mother's Pension provision and in 1916 more than twelve million dollars passed directly to mothers for the care of their children who would otherwise have been placed in charitable institutions. X

It has been shown that it costs seventy-six per cent of the amounts appropriated to institutions for the care of children to administer the donation. Salaries, salaries everywhere, while the orphans are in uniforms, brow-beaten, underfed, treated in bunches, numbered and tagged, filed in compartments from a to z, with all spirit and pride, human emotion and ambition well pressed out, each in turn comes to the great outside not understanding and not understood. The spirit of

initiative, the backbone of independence and the germ of originality never thrived in an institution with the label of charity on its machinery. There are good mothers, bad mothers and indifferent mothers, but any kind of mother is better than the institutional mother created in charitable dispensaries—that heartless, soulless, fictional mother, with no soul to save and no heart to respond, the embodiment of a system.

"It is cheaper to hire the mother to care for her own children than to pay institutions," declared Judge Niel, and he proved it by facts and figures, the result of much patient study and investigation. "It is more human. Children reared by their own mothers will make good citizens. It is folly to spend money for public schools and try to educate children who are not properly fed, clothed and cared for. The physical and mental defective, the incompetents and the criminal element are largely produced by child poverty. Money paid for mother's pensions to abolish child poverty returns in the reduced cost of hospitals, police courts, jails and asylums."

There have been repeated amendments to the amendment first passed by the Illinois Legislature in 1911 and the law as it now stands, reads: "A woman whose husband is dead, or permanently disabled by physical or mental infirmity, who has resided in the County for three years and is the mother of a child or children, may file an application for relief. If after investigation and hearing the appeal is accepted an allowance may be made to the mother not exceeding fifteen dollars a month for one child under fourteen, nor ten dollars a month for each of the other children—in no event to exceed sixty dollars a month. Re-

lief may be granted for a child over fourteen and under sixteen if the child is ill or incapacitated for work, such relief to cease with the removal of the incapacity."

"Before relief is granted the following facts must be ascertained: that the children are living with their mother, and that it is for their welfare that they remain with her; that without such relief the mother would be required to work regularly away from home, but that with it she can remain at home with her children, except for such definite number of days each week as may be specified in the order of court during which she may perform such work as can be done without sacrifice of health, or neglect of her home; that the mother is a fit person to care for her children; that she is not the owner of real or personal property, except household goods; that she is a citizen of the country or has made declaration of her intention to become a citizen of the United States, and has resided for three years in the county where such application is made and is the mother of a child or children."

The law which provides for a fund out of which destitute mothers are so pensioned they may keep their children, does not attract that jealousy or prejudice toward it which would naturally arise where the beneficiary is a matter of choice or political preference, and the apprehension is created that interests might be promoted at the sacrifice of others whose interests should be equally regarded. It is a law, once suggested, rallies popular support. Antagonism to the new order of things for poor children must show its selfish intent and yield to the broader and kinder view. It is universally understood to be one of the implied and necessary con-

ditions upon which men enter into society and form governments, that sacrifices must sometimes be required of individuals for the general benefit of the community. A law therefore enacted for the general good of the community in taking indigent children from institutions and providing for their care and education in their homes, at no increase of cost to the public, even if it cramp a few individual or institutional purses must be deemed a public benefit calling for every good citizen's support.

It is assuredly a grim tragedy when children are born into or are reduced to poverty, and it is a still more tragic sequence when they are deprived of such support as their fathers could give, but children who have neither parent and who face the only alternative care— asylum life, are the most pathetic figures in human affairs. They should not be forgotten while the fight goes on for mothers needing financial support for the care of their children. There should be nowhere in the land an institution of any kind, character or description not open to public inspection and not under the surveillance of the State. The poorest and meanest and most forlorn children are entitled to the State's care and protection—they are the citizens of tomorrow, and whether they are good citizens or bad citizens depends upon the proportion of decent treatment, training, education and happiness put into their making.

Property rights are so surrounded by legal regulations every possible question arising out of or appertaining thereto may be found in cases precedent, and lawyers have but to turn to their Codes and Digests to be armed for the protection or defense of minors

monetary interests. When there is an estate to administer the law provides for the surety and responsibility of guardians and trustees and tutors and the gravest care is taken for the protection of every right of the minor. The moral obligation is just as great, though perhaps not so recognized, in reference to the care of the minds and bodies, the health and happiness and opportunities of destitute children. The mother's pension may be deemed by some persons as mad generosity on the part of legislative bodies, but if so it is the first charge of extravagant disbursement for the destitute ever made against our law makers.

The extent of supervision usually maintained by the State over its public homes for destitute is an occasional perfunctory official visit, and as an announcement precedes the call the inmates usually look happy and contented because an extra ration has been provided to assure it. Many States require that a married woman be examined separate and apart from her husband in the juggling of property and monetary matters, but no State requires that the helpless and dependent charges in public institutions be examined separately and apart from institutional employees to find how well and how humanely they are cared for and treated.

Amos Pinchot says of the mother's pension: "Poverty is the curse of civilization. Child poverty is the worst kind of poverty. If you strike a sapling with an ax it may live but it will grow up a scarred tree. If you give a child a bad start you cannot expect it to become a strong man or woman or a first rate citizen. That is why the mother's pension is fundamental. We want to place American children beyond the necessity

charity—to have them grow up in their homes, to the State give the widowed mother enough money to use her family independent of the bounty of the

This is nothing but hard common sense. It should have been done a half century ago."

VI

CHILD LABOR AND MINIMUM WAGE

THE fundamental reason for creating laws for the regulation of work hours and days, wages and conditions for women and minors in the field of labor, was the prevalence in many localities of an entire disregard of the health, morals and mentality of the workers. Within a half dozen years there has been secured the Federal Workmen's Compensation Law for the Government's half million employees, uniform laws for accident and disease reporting, one day of rest in seven for thousands of workers, co-operation in the establishment of public employment bureaus, basic educational work through conferences and publications, industrial commissions, commissions in eight States for official investigation of workmen's health insurance and a well sustained campaign to maintain protective standards for labor in war time.

On September 1st, 1916, President Wilson signed the Federal Child Labor Bill, which was the first effort of the National Government to protect the children of this country from labor conditions which were a growing menace to the citizens of tomorrow. The bill must withstand much attack, but it will remain an everlasting monument to the better element in the nature of our highest law makers. It is the answer to the plea of generations of mothers for child protection. It cannot, unfortunately,

be retroactive, and there is a standing army, a living reproach, of crippled and maimed, of mentally defective and weakened incompetents, the harvest of child slavery. X

It is the fulfilment of a plain duty when the Federal Government reaches out a protective arm to the overworked, underfed army of infants whose puny frames and untutored minds waited helplessly for legal aid. No matter whether the Child Labor Law be the result of sympathy for children, regard for the strength of the next generation or aversion to money-mad taskmasters, the result is one hundred per cent good. It was once said that "The Puritans hated bear-baiting, not because it gave pain to the bears, but because it gave pleasure to the spectators." Nevertheless the protection the Puritans felt called upon to give was good—for the bears. /

The general provisions of the Child Labor Law are:

No producer, manufacturer or dealer shall ship in interstate or foreign commerce any article or commodity, the product of any mine or quarry situated in the United States, in which within thirty days prior to the time of removal children under the age of sixteen years have been permitted to work, or any article or commodity the product of any mill, cannery, workshop, or factory in the United States, in which within thirty days prior to the removal of such product children under the age of fourteen years have been permitted to work, or, where children between fourteen and sixteen years have been permitted to work for more than eight hours in any day, more than six days in the week, or after the hours of seven in the evening or before six o'clock in the morning X

That this Federal Law will be subject to the attack of those who have profited by child slavery is quite sure. Such attacks will be based on the claim that it contra-

venes the promise that there shall be "no restraint of trade," that it is an interference with free interstate commerce and in violation of the fourteenth amendment: "No State shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States." But a law which is for the protection or betterment of the public health, peace and welfare, or reasonably tends to that end, is a police regulation for the common good which does not conflict with anything in the law or the Constitution. A very good definition of "police power" has been given by Prof. Tucker in 8 Cy., p. 863, reading "Police power is the name given to the inherent sovereignty which it is the right and duty of the government or its agents to exercise whenever public policy, in a broad sense, demands for the benefit of society at large regulations to guard its morals, safety, health, order, or to insure in any respect such economic conditions as an advancing civilization of a highly complex character requires."

While many of the States had some form of regulation of hours and conditions of labor for women and minors the Federal Bill was the sweeping relief required. In the beginning of 1916 twenty-eight States allowed minors to work more than eight hours a day in mercantile and other establishments, and nineteen of the twenty-eight States permitted minors to work at night, Husky men found protection in labor unions, men of full stature, strength and mentality organized and stood together for their common good, while infants with no option but to obey, had not the legal measures between them and their taskmasters to which their helplessness and future importance entitled them. Twenty-eight States had half-hearted prohibition of street work for

children, but twenty of the States made not even a pretense of forbidding children to loiter on public highways as mendicants and beggars or as rope walkers and other penny producing stunts to please gaping crowds of the curious. Twenty-two States asked no medical examination of children before granting them work permits, and so puny minors got into the harness of factory or mill or sweatshop, forced to take the long chance of surviving to maturity. Girls who chanced to be weak or defective, if they survived, were predestined to stunted growth, narrow chests, weazened frames, and as future mothers to become the feeders of institutions for the feeble minded, the mentally defective, or the jails and hospitals. Thirty-two of the States had educational requirements lower than the fifth grade, and so children, barred by long hours of work from the full education which would help make them good citizens, were predestined to get wrong ideas of politics and economics, to have the milk of human kindness which feeds brotherly love dry in their veins. Then when the human product of bad labor conditions blundered into law breaking the same power which did not protect their youth and give them the chance of opportunity, was ready to exact the full penalty.

Between July 1st and September 1st, 1916, the Industrial Commission of New York found six hundred and ninety-four children under fourteen years of age working in factories and mercantile establishments and tenement apartment shops in one district of the City of New York. The inspectors found seven hundred and sixty-nine children working without the legally required certificates from the Board of Health. Two hundred and ten children were working longer hours than permitted

under the labor law, and in one district seven hundred and twenty-seven women were working longer than fifty-four hours a week. Many arrests and convictions followed the report of the Industrial Commission of the violations discovered, and it is probable that particular district of New York City will keep within the law until the lesson taught is forgotten. But the conditions uncovered in that one district may exist in many other districts. The owners of mercantile establishments, factories and workshops must be educated up to spending more time in observing and less time in the finding of ways to evade the law, more time in considering sanitary and social betterment in their work rooms and less time in the observance of their favorite commandment, Thou shalt not be found out. The Autocracy of Greed goes on. The souls and bodies of women and children are weighed in the scale against perishable fruit and vegetables and changing styles. It will be well when humanity believes that the firm, or corporation, or individual, undermining the health of employees by preventable conditions, sending their souls along the pitfalls of Poverty's Highway to Kingdom Come, commits a felony in the sight of High Heaven, and it will be better when we commence the punishing for the offense by man-made laws while civilization goes marching on.

The first American Minimum Wage Commission was created by the law of Massachusetts and it was empowered to investigate and report on the advisability of establishing a permanent wage commission. That was in 1911. In 1912 Minnesota and Wisconsin followed with similar commissions. In 1912 Massachusetts created the first permanent Minimum Wage Commission. In 1913 eight States adopted minimum wage laws: Cal-

ifornia, Oregon, Washington, Colorado, Utah, Nebraska, Minnesota and Wisconsin. X *By Jan 1914* *Kat* *a*

The minimum wage, it was decided, must be a living wage, and just what constituted a living wage was the subject of much argument. The National Conference of Charities recommended the following definition: "The monetary equivalent of a living wage varies according to local conditions but must include enough to secure the elements of a normal standard of living: to provide for education and recreation; to care for immature members of the family during periods of sickness; and to permit of reasonable saving for old age."

There was a protest against the inclusion of men in the minimum wage provision and the American Federation of Labor in the report of its Executive Council to the convention in 1913, said:

"It will be observed that the movement for a minimum wage for women and minors has gained considerable headway in our country and that sentiment in favor of a living wage is rapidly crystallizing. That this growth of sentiment among the people is due to the activities of the organized wage earners there can be no doubt. The organized labor movement has insisted from the beginning upon the establishment of a living wage as a minimum, and it has through the force of organized effort, succeeded in establishing minimum wages and minimum hours of labor far superior to those prescribed by the wage boards of other countries.

There is a marked difference, however, between the laws of other countries and the laws enacted, or proposed, in various States in our country. In England and in Australia authority is vested in wage boards to fix minimum wages for men workers as well as women

and minors; whereas in America these laws relate exclusively to women workers and to minors. If it were proposed in this country to vest authority in any tribunal to fix by law wages for men, Labor would protest by every means in its power. Through organization the wages of men can and will be maintained at a higher minimum than they would be if fixed by legal enactment.

But there is a far more significant ground for opposing the establishment of a minimum wage for men. The principle that organization is the most potent means for a shorter work day, and for a higher standard of wages, applies to women workers as well as men. But the fact must be recognized that the organization of women workers constitutes a separate and more difficult problem. Women do not organize as readily or as stably as men. They are, therefore, more easily exploited. They certainly are in a greater measure than men entitled to the concern of society. A fair standard of wage, a living wage, for all employed in an industry, should be the first consideration in industry. None are more entitled to that standard than the women and minors. An industry which denies to all its workers, and especially to its women and minors who are toilers, a living wage, is unfit and should not be permitted to exist."

Women in the industrial field are more frequently transients than placed for a life time, and because of the failure of intent to remain a fixture in the business world women fail to feel the need of organization, and too frequently they fail to show the interest in the women who remain workers, and in those who are to come. These facts constitute in part the reason women in many localities and industries were not paid a wage sufficient to

maintain them in health and to provide reasonable comfort.

The first nine States to adopt minimum wage laws gave to the administrative bodies different appellations. In Massachusetts, Minnesota and Nebraska the power is lodged in "The Minimum Wage Commission." In California, Oregon and Washington, where broader powers were conferred than the regulation of wages alone, the title of "Industrial Welfare Commission" was given. Colorado has "The State Wage Board," Wisconsin "The Industrial Commission," while in Utah the Commissioner of Labor and Statistics has the power to enforce the minimum wage provided by the State law.

In Colorado the law extends only to mercantile and manufacturing establishments, laundries, hotels, restaurants and telegraph and telephone offices. In Massachusetts, Nebraska and Colorado the Commission is given power to investigate any and all industries where the women and minors are not receiving a living wage.

The labor and minimum wage laws apply to females and to male minors under eighteen in all States except Minnesota and Wisconsin where the age limit for males is twenty-one, and in Utah where the Act applies only to females. The commissions in the States having regulation of labor and wages are required to investigate the wage rate and conditions of work in Washington, the wage rate and condition and hours of work in California and Oregon and Wisconsin.

The Commission in each State is empowered to make special exemptions for defectives, old, crippled and otherwise incapacitated. This applies only to women, except in Wisconsin, where "minors" are included.

While Massachusetts made first provision for a min-

imum wage to women it was Oregon in 1913 which first organized its commission and issued the first American minimum wage order on October 4th, 1913, it read:

"No girl under the age of eighteen years shall be employed in any manufacturing plant or mercantile establishment, millinery, dressmaking or hair dressing shop, laundry, hotel or restaurant, telegraph or telephone establishment or office in the State of Oregon for more than eight hours and twenty minutes in any one day or more than fifty hours in any one week.

(2) No girl under the age of eighteen shall be employed in any of the above named occupations after the hour of six o'clock p. m.

(3) A minimum wage of one dollar a day shall be established for girls between the age of sixteen and eighteen years working in the above mentioned occupations except as otherwise arranged in the cases of apprentices and learners."

Many additions and extensions of the first order issued by the Oregon Industrial Welfare Commission have been made and women and minors are now rather fully protected in that State.

The first minimum wage legislation anywhere was the Industrial Conciliation and Arbitration Act, passed by the New Zealand Parliament in 1894. It was mainly intended to aid in the settlement of trade disputes, but it was the first move toward a foundation upon which has been reared the minimum legislation in Australasia, England and America. When it was first put into effect in Victoria it was freely predicted that all industries would be driven out of the country, but the effect has been to increase and equalize the pay of those classes of labor least able to obtain fair conditions of employ-

ment through their unassisted efforts. ~~X~~ Prof. M. B. Hammond, of the Ohio State University, who has made a thorough study of labor conditions abroad and in this country, says of the minimum wage legislation: "Industries have not been paralyzed nor driven from the State as was freely predicted by the extreme opponents of the wages board plan." Taking Victoria as an instance, he says: "In 1896, when the factories Act was passed which contained the wages board provisions, there were in Victoria 3,370 factories. In 1910 there were 5,362. In 1896 the number of workers in factories was 40,814; in 1910 it was 83,053." *hiz*

The following list of questions concerning the operation of the minimum wage law in England was sent by the New York Factory Investigating Commission to the Board of Trade of London:

"First. Does the minimum wage become the maximum?

"Second. How far are the unfit displaced by such legislation?

"Third. Do such laws tend to drive industry from the State?

"Fourth. Do they result in decreasing efficiency?"

The answers were as follows:

"(1) The board are not aware of any general tendency among employers to reduce to the minimum allowed by law in cases where higher rates have been paid in the past. On the contrary, there is reason to suppose that the better organization of the workers, which has been observed to have taken place in the trades where the act has applied, tends to prevent the legal minimum rate from becoming in fact the maximum.

"(2) So far as the board are aware, there has been

no general dismissal of workers as the result of the fixing of minimum rates, and even where workers have been dismissed on this account it has frequently been found that this has been due to misunderstanding of the act and not to its actual provisions.

"(3) The board are not aware of any tendency on the part of manufacturers to transfer their business to foreign countries, or, where lower rates have been fixed for Ireland than for Great Britain, to transfer their business from Great Britain to Ireland.

"(4) There is no evidence in the possession of the board to show that the efficiency of the workers has been reduced as the result of the fixing of a minimum rate of wages. On the contrary, there are indications that in many cases of efficiency of the workers has been increased. The fixing of minimum rates has also resulted in the better organization among employers and in improvements in the equipment and organization of their factories."

Quoted
In this and in foreign countries special study and investigation have been devoted to the effect of long hours, and inadequate wages, upon the health and morals of women. In the case of Muller vs. The State of Oregon the court held:

"That woman's physical structure and the performance of her maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity, continuance for a long time upon her feet, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring, the physical well

being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race. . . . That her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well being of the race—justify legislation to protect her from the greed as well as the passions of men. The limitations which this statute puts upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. This difference justifies a difference of legislation for women and upholds that which is designed to compensate for some of the burdens which rest upon her.”

In 1898 the Supreme Court of Illinois declared invalid a statute which limited the work of women in factories to ten hours a day declaring there was “no fair and just and reasonable connection between their work and the public health, safety and welfare.” However, this same court reversed itself in a most humane enveloping opinion in 1909 which acknowledged the relation of the Act and the public health, safety and welfare, the organ of the court declaring “What we know as men we cannot profess to be ignorant of as judges.”

In mid-April, 1917, the test case taken from Oregon to the United States Supreme Court affecting the constitutionality of the Minimum Wage Act, resulted in the court affirming the decision of the Oregon court which had declared in favor of the Act. Eleven States which had passed similar legislation were thus maintained in their position by the highest court of the land.

In 1916 there were five thousand children working in the beet fields of Colorado, sixteen thousand children

in the agricultural fields of Iowa, and on the farms and cotton plantations of North Carolina there were one hundred and twenty thousand children laboring. When such numbers of minors are engaged in one line of effort alone it shows the serious need for governmental protection. The consideration of labor by capital is through eyes blurred with columns of figures representing producing labor at minimum cost. But public conscience has aroused and demands legal protection for women and children to preclude their enslavement at the price of very poor board and keep. Georgia has enacted a measure declaring "No boss in any factory shall inflict corporal punishment on minor laborers." States north, south, east and west have passed laws prohibiting minors from working in places dangerous to life, limbs or morals. Louisiana, which had the highest rate of illiteracy in the United States, passed a compulsory education law in 1914. These laws are useful and salutary and there is nothing in their terms or effect inconsistent with any principle of humane consideration or legitimate commercial ambition. They are provisions of law capable of being executed in accordance with the legislation intent, and they constitute a heritage of physical and mental well being for the citizens of tomorrow.

VII

CONTRACTS AND FORMS. SIMPLE LEGAL AID

If all contracts, express or implied, were carried into effect there would be so little need of courts and lawyers the judiciary and the profession would be depleted almost to extinction.

A contract is the mutual covenant or agreement between two or more persons for the doing or not doing of some particular thing.

There are four necessary requisites to a valid contract: first, the parties must be capable of contracting; second, their consent must be legally given; third, there must be a certain object to be carried out by the agreement, and fourth the purpose must be a lawful one.

All persons have the capacity to contract except those whose disability is specifically expressed by law, as, for instance, minors, persons of insane mind, and, in some of the States, married women.

The taint of fraud, or where the agreement is founded upon error or accident or would work injury, may invalidate a contract by appeal to the courts.

There are written and verbal contracts, each is binding on the parties if proven. Written contracts should, for greater safety, be sworn to before a Notary Public.

A simple form to attach to any form of contract,

when presented by the parties and sworn to before a Notary, who adds his signature and seal, is as follows:

State of.....

County of.....

City of.....

Before me....., a Notary Public, duly qualified and commissioned by the State of....., personally came and appeared.....and....., who, after being duly sworn by me depose and say they are the persons who have signed the contract to which this affidavit is attached, and they are by me personally known to be the persons who have signed same.

Signed and sworn to before me this.....day of.....

Notary's Signature and Seal.

Contracts which have to do in any way with real estate should always be in writing. Such contracts should always be signed before witnesses and in duplicate so that both parties to the contract may have a copy, as things which do not exist, and things which cannot be proved, are the same in law.

Where several persons join together in an obligation to do a certain thing, if the contract reads "we jointly and severally" then the parties either jointly or severally may be made to comply, but if the contract merely mentions that Tom, Dick and Harry agree to do a certain thing, then they are called on jointly to fulfil the obligation and no one of them can be held individually for the whole.

A simple form of contract which may be, by filling in the details, made to cover almost any condition of business agreement follows:

This contract entered into this.....day of.....,

nineteen hundred and.....between....., party of the first part, and.....party of the second part, Witnesseth: That, party of the first part hereby agrees to (state plainly what party is to do), and, party of the second part hereby agrees to (here state plainly what party of the second part agrees to do). In consideration of the promises hereinbefore made by (here state what it is that is agreed to be done), and the consideration hereinbefore mentioned (here state what amount or consideration was involved) the aforesaid party of the first part, and party of the second part hereby covenant and agree (here set forth briefly and plainly the general tenor of what the agreement consists),

Wherefore we have hereto signed this contract in the presence of and witnesses.

Signed in duplicate in the presence of

Witnesses:

.....

.....

A contract between employer and employee may be drawn as follows:

This contract entered into this day of 19.., between, party of the first part and, party of the second part,

Witnesseth: The party of the first part agrees with the party of the second part to do the following work for the following consideration: (set forth the nature of the work and the amount of consideration agreed upon), the said work to be done within the following time (set out the number of hours in the day and in the week and what hours or days are to be given the employee as "time off").

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And the party of the second part hereby covenants and agrees to pay to the party of the first part in consideration of the faithful performance of the work specified above, the sum of, as follows (here state if the pay is to be at the end of a specified time or for specified work, at the end of a day, week, month or year).

In witness whereof we have set our names this day of, 19.., in the presence of and witnesses.

Witnesses:

.....
.....

A simple form of contract of partnership to trade follows:

This Contract of Copartnership made and entered into this.....day of.....19.. between....., of....., and....., of..... The aforesaid.....and.....do hereby agree to become copartners in the conduct of a.....business to be conducted at....., in the City of....., State of....., under the firm name of....., the said copartnership to continue for a term of..... years.

Wherefore the said.....hath this day paid into the said firm the sum of \$...., and the said..... hath likewise paid into the said firm the sum of \$...., the money so paid in by both to be used and employed as the capital of the said firm of.....

The aforesaid.....and.....comprising the firm of.....do hereby covenant and agree to use each for herself and the firm her best skill and endeavor for the joint interest, profit, benefit and advan-

tage of the firm, and to buy and sell merchandise with the capital above set out and the increase thereof. They mutually agree to bear all burdens between them such as the rents, charges, taxes and expenditures. They mutually agree that at the stated time of (mention whether monthly, weekly, annually or semi-annually) there shall be a division of the gains and profits of the said business after all just debts have been charged against same. (Or, where it is desirable that a stipulated sum shall be drawn weekly or monthly by each partner it should be so stated). They mutually agree that upon the reasonable request of either there shall be a statement rendered of the assets and liabilities and stock on hand of the partnership. They mutually agree that in the event of the death of either before the expiration of the contract the survivor will render a full statement of the business and affairs of the partnership to the heirs or administrators of the deceased partner, to consider the death as a dissolution of the partnership (unless otherwise stipulated), and to make final settlement of the business, paying to the heirs or administrators of the deceased partner the share of the deceased.

The partners mutually agree that there shall be no credit extended except upon joint agreement; that no debt, or release of debt, shall be made without mutual consent; that neither partner will endorse or go bail or surety for another during the partnership without full consent of the other partner; that neither partner will sell or assign her interest without the consent in writing of the other, that the.....bank shall be the depository of all funds and same shall be paid out only by check signed by (as agreed).

Signed in duplicate this.....day of.....19.... in
the presence of:

Witnesses:

.....

.....

.....

.....

While the contract of a minor is voidable by her, or by her parents or guardian for her, the other person or persons to the contract cannot claim immunity from its terms because of the incapacity of the minor. When the contract is that of marriage, if the girl leaves her husband before she reaches her eighteenth year (in New York) she may apply to the court for an annulment of the marriage on the ground of being under age when she entered into the marital agreement. The exception to the voidance of a contract by a minor, or the parent or guardian of the minor, on the ground of the incapacity of the minor to contract, is where the contract was for necessities. The rule is for the protection of minors, but shelter, food and raiment are necessary to the minor and contracts made for such purchases will be held valid.

If there is no provision in the contract of partnership for the term which it shall endure it may be dissolved at the pleasure of either partner.

Death of a partner operates as a dissolution unless, in the articles of agreement of partnership there is specific provision made for continuance of the business in the event of death of one of the partners.

When there are several partners constituting a firm and one partner withdraws there should always be notice given the public of the withdrawal.

A widow has her dower only in the interest owned by her husband in partnership property after all debts

due have been paid, her dower consisting only of her right in such remainder as exists free of all debts.

A very wise addition to the contract of partnership is the addition of a clause agreeing to submit any difference to arbitration. If such clause is inserted in the contract, and there arises any difference between the partners, the following is a form of agreement to be signed by both to make the award of the arbitrators binding:

We,, of....., and....., of, composing the firm of....., of....., do hereby agree to submit, and do hereby submit all questions arising out of or appertaining to (here state the facts concerning which there is a difference of opinion) to the arbitrament of (here name the persons, usually one selected by each of the partners and a third selected by the persons chosen) whose decision and award shall be final and binding and we hereby bind ourselves to abide by the decision of said arbitrators and to carry out their decision.

Signed in duplicate before:

Witnesses:

.....

.....

.....

.....

The contract of lease of premises is perhaps the contract used more generally by women than any other contract and so common is the use of this agreement there are blank forms of lease printed in every city and State which conform to the laws and requirements of the domicile. The most vexing question is the matter of the right of the tenant to abrogate the lease. A very interesting decision was secured by Amy Wren, a woman lawyer of Brooklyn, New York, in 1916, when she had the principle of an old law revived in the judgment for

her client, the owner of a house, that nothing short of a condition amounting to actual eviction justified a tenant in vacating premises and refusing payment of rent. The plaintiff in the case had rented her house for a term of three years. The main supply pipe for water which led into the building was not large enough to supply a sufficient quantity to flow on the upper floors of the building if water flowed from a faucet on a lower floor. The tenant repeatedly complained and insisted on a sufficient supply of water to secure a free flow on each floor of the house, and on the three floors at the same time if there was need. As no relief was given the tenant finally moved out of the building. The owner sued for the rent to the end of the term of lease. The lower court ruled against the owner, but the case was taken to the higher court on appeal and there the decision of the lower court was reversed and the old law was sustained that only a condition amounting to actual eviction, as if the roof were blown off, or the greater part of the building burned, justified the tenant in moving and considering the lease terminated.

It is a good rule to always require a receipt for money paid, no matter how small the amount or to whom it is paid. There is no truer axiom than "Keep good accounts and you keep good friends." The simplest form of receipt is as binding as if couched in many words. For instance, the following forms are sufficient to show payment:

Received from \$.
this.....day of.....19.. Signature.

Or,

Received from \$.

on account of..... This.....day of..... 19..
Signature.

A general release is more far reaching in its effect and value. A general release to be valid must show a consideration and it is then a defense to any action based on a claim for any of the debts released.

I,, of....., in consideration of the sum of....., paid me by....., of....., do hereby release, remise and forever discharge the said, his heirs, executors and administrators, from all manner of action or causes of action on any and all debts, suits, sums of money, accounts, bonds, bills, judgments, executions, claims and demands whatsoever in law or equity which against....., I ever had by reason of any matter, claim or cause of whatsoever kind.

This done and signed this.....day of..... 19.. before
Witnesses:

.....
.....

A wife may release her dower right in certain property owned by her husband by executing the following release:

To All Whom It May Concern, Know ye that I,, of....., wife of....., of....., party of the first part, do, by these presents, for and in consideration of the sum of....., lawful money of the United States, to me cash in hand paid at the time of the execution and delivery of these presents, which said sum and consideration is paid me by....., of, party of the second part, receipt whereof is hereby acknowledged, doth grant, remise, release, and forever quit claim to the party of the second part....

heirs and assigns forever, all dower, thirds, right of title of dower and thirds, and all other right, title and interest, claim or demand of whatsoever kind in law or equity, in the following described property, to wit: (describe the property to be released from dower right), for my own part, my heirs, administrators and assigns or any person for any of them, in any right, title, demand, seizin or possession in the above described property, forever.

Signed, sealed and delivered this.....day of.....

19.. in presence of

Witnesses:

.....

.....

Under no condition or circumstance should signature be attached to any document or paper of any kind or character without reading and understanding the text of the contents. If signature is obtained by fraud it can be voided, if the fraud is proven, but it is no defense to plead signature was attached without understanding of the contents.

A promissory note is evidence of debt. The simplest form is:

(Write in City, State, day, month and year.)

.....days (or months or years after date I promise to pay to.....or his order, the sum of.....
....., with interest at the rate of....per cent from maturity, at..... Value received.

Signature.

If the rate of interest stipulated to be paid is usurious it invalidates the note in many States.

If a note is given for a chattel and it is the intent that ownership shall remain in the seller until the note has been paid and cancelled, it should be drawn as follows:

(Insert City, State, day, month and year.)

On the.....day of....., I,, whose address is....., do promise to pay to....., or his order, the sum of....., with interest from date at the rate of.....per cent, until paid. And I do further agree that title to the (here describe the article bought) shall remain in the said.....until this note is fully paid and cancelled, and if payment is not made when due I further agree to pay all costs and expense incurred in collecting same.

Signed in presence of

Witnesses:

.....
.....

.....

The following is a form of chattel mortgage:
TO WHOM IT MAY CONCERN,

Know ye that.....of the City of..... and State of.....is indebted unto me in the sum of.....dollars, and.....cents, being for..... Now for securing the payment of said debt, with interest thereon from the date hereof, to the said....., the said.....doth hereby sell, transfer and assign the property described below: (describe the property) said property now being and remaining in the possession of the said....., at (give location).

Provided always, and this mortgage is on the express condition, that if the said.....shall pay the said....., his assigns or representatives, the sum of....., and.....cents, with interest thereon, then the said above described transfer of property is void and of no effect; but in case of non-payment of the said debt and interest at the time mentioned, then the said..... shall have full power to enter the premises of the said

party of the first part, or any other place where the goods are and chattels aforesaid may be, to take possession of said property, to sell the same at public or private sale, and the proceeds (after deducting all expenses) to apply in payment of the above debt; and in case the said..... shall deem the said property at any time unsafe it shall be lawful for the said..... to take possession of the property and to sell the same at public or private sale, previous to the time above mentioned for the payment of said debt, applying the proceeds as aforesaid, after deducting all expenses for the taking and the sale and keeping of the property. And the said mortgagee, his representatives or assigns may purchase at any such sale, in the same manner and to the same effect as a person not interested herein.

If for any cause said property shall fail to satisfy said debt, interest, costs, and charges, covenants and agrees to pay the deficiency.

This done and signed this.....day of.....19..
and delivered in the presence of
Witnesses:

.....
.....

There should be attached to the foregoing form of chattel mortgage an affidavit, sworn to before a Notary Public, which a preceding simple form will serve.

Chattel mortgages are a lien for debt upon movable property retained by the owner, and are permissible in every State but Louisiana, which has no provision for such mortgage, providing only the right of pledge, as used by pawnbrokers, which requires always that possession of the property pledged pass to the holder of the mortgage or pledge.

Alabama requires that chattel mortgages be recorded: Arizona requires that chattel mortgages must always be supported by the affidavit of the mortgagor and must be recorded. When foreclosure is necessary it must be by the same form and proceeding of court as foreclosure of realty. Chattel mortgages in Arkansas must be acknowledged before a competent official and recorded. California permits chattel mortgages on certain property when an affidavit is attached declaring the mortgage so given is without intent to defraud other creditors, and it must be recorded. Colorado requires the chattel mortgage to be acknowledged before a duly qualified official. If the holder does not enforce his lien within a reasonable time it is presumed voided. Connecticut permits the mortgage of movable property, requiring acknowledgment, recordation, and in the event of foreclosure, the same proceeding as in foreclosure on real estate. Dakota requires two witnesses and there may be foreclosure after ten days or by court order. Delaware requires that chattel mortgages be recorded within ten days of their making and when so recorded are good for three years. Florida does not favor chattel mortgages, but it is possible to execute a mortgage on movables by executing a mortgage the same as for real estate, and if foreclosure is necessary it must be the same as in foreclosure on realty. Georgia requires full specification of the property mortgaged, and the character of the debt; it must be acknowledged and attested by a Notary and recorded within thirty days. Idaho requires an affidavit that the chattel mortgage is not executed to defraud creditors and it must be recorded. Illinois specifically requires acknowledgment before a proper official and recordation, and unless the mortgage is supported by affidavit it will

not be held valid. Indiana requires the same mortgage as for real estate, recordation, and the same proceeding in foreclosure as on real property. Iowa requires chattel mortgages to be in writing, signed, acknowledged and recorded. Kansas requires a copy of the mortgage to be deposited with the Register of Deeds. Kentucky requires recordation in the County Court and gives the mortgagor five years to redeem. Maine has the same provision as for recordation and foreclosure of real estate. Maryland requires a full description of the property, terms of the loan, etc., filed with the county or city clerk. Massachusetts requires recordation but does not require seal or acknowledgment. Michigan requires a copy of the mortgage to be filed and recorded in the clerk's office and each mortgage must contain provision for foreclosure as it is not generally provided for. In Minnesota the mortgage ceases to operate against third persons after two years unless an affidavit is annexed to a copy recorded setting for the mortgages interest in the property and such affidavit must, after two years be filed annually. In Mississippi chattel mortgages must be recorded in the court of Chancery and must provide for foreclosure. Missouri requires acknowledgment or proof and recordation. Montana requires an affidavit of the parties it is made in good faith, acknowledged and recorded. Nebraska requires the mortgage or a copy shall be recorded in the office of the county clerk. Nevada requires the surrender of the property mortgaged. New Hampshire and New Jersey require the mortgage or a copy to be filed, together with an affidavit of the holder stating consideration, etc. New Mexico requires recordation and every year thereafter while the mortgage continues, the filing of an affidavit showing the

interest of the mortgagee and amount due. New York requires a copy filed with the county clerk. North Carolina and Ohio deem the mortgage void unless it is filed with a full statement of the claim. Oregon requires the mortgage, or a copy, recorded with the county clerk. The mortgagor is entitled to possession if the agreement in the mortgage be broken. Pennsylvania regards liens on personal property as merely a pledge and possession must be surrendered. Rhode Island requires recordation. The mortgagee may take possession if the pledge is broken. South Carolina requires recordation. The mortgagee may take possession of the property if the pledge is broken, after posting notice. Tennessee requires the mortgage be proved and registered. In Texas a chattel mortgage must be filed in the office of the clerk of the county. Foreclosure can only be by suit and sale by order of court. In Utah a chattel mortgage must be supported by the affidavit of the parties thereto declaring it to be in good faith, it must be witnessed, acknowledged and recorded. Vermont requires that mortgages on personal property be recorded and the parties must make affidavit that the mortgage is in good faith and not for the purpose of defrauding creditors. After public notice of the failure of the mortgagor to comply with the pledge the property may be sold at public auction. In Virginia chattel mortgages are required to be executed and acknowledged and recorded the same as deeds of real estate. Washington requires the affidavit of the parties as to good faith and when acknowledged and recorded it is good for six years. West Virginia requires the same formalities for chattel mortgages as for real estate. Wisconsin requires recordation of chattel mortgages, and if conditions are broken the mortgagee is entitled to pos-

session of the property. Wyoming requires that chattel mortgages be executed and recorded the same as deeds to real estate.

In the contract of sale transferring real estate the form of each State must be followed, and in a majority of the States there must be witnesses and the sale has no effect on third persons unless recorded. Alabama requires one witness and recordation, Arizona makes no provision for seal, but all deeds must have a witness and must be recorded. In California deeds are known as "grants." Witnesses are not required, but the grant must be recorded in the county where the land is situated. Colorado requires that all deeds be acknowledged and recorded but witnesses are not required. In Connecticut the deed must be in writing, signed, sealed and acknowledged, attested by two witnesses and recorded in the county where the land is situated. Witnesses or seals are not required by Dakota, but all deeds must be in writing, signed and acknowledged and recorded. Delaware requires that deeds must be recorded within a year of their making and there must be one witness. The District of Columbia requires recordation and witnesses to all deeds. Florida requires that deeds be in writing and signed, sealed and delivered in the presence of at least two witnesses, and the deed must be recorded within six months in the county where the land is located. Georgia requires all deeds to be in writing, signed and sealed and acknowledged before an officer authorized to take such acknowledgment and within one year the deed must be recorded in the Superior Court of the county where the land lies. Mortgages must be recorded within thirty days. Deeds conveying land are not invalidated if not recorded within one year, but if not so recorded lose

priority over any other deed recorded within that time. Idaho requires all deeds to be acknowledged by at least one witness and recorded. Illinois requires the recordation of all deeds in the county where the land is situated, but does not require the signature of a witness. Indiana requires all deeds to be in writing, signed and acknowledged or proved and recorded within forty-five days after date. Seals and witnesses are dispensed with by Iowa but deeds must be acknowledged before a judge or clerk of court, notary, auditor or justice of the peace, and recorded. Kansas does not require witnesses or seals but all deeds must be in writing and acknowledged. Kentucky requires deeds to be in writing, acknowledged and recorded in the court for the county where the land is situated and all deeds must be recorded, if between residents, within sixty days and if made by non-residents, within four months. Louisiana requires deeds to be passed by Notaries Public and attested by two witnesses, and all deeds must be recorded in the Parish Courts, except in the Parish of Orleans, where the deed must be recorded in the Mortgage and Conveyance Office. Maine does not require witnesses to deeds but they must be signed, sealed, acknowledged and recorded. In Maryland all deeds must be signed and sealed. There must be at least one witness and within six months the deed must be put on record. In Massachusetts conveyances must be in writing, signed, sealed and recorded, but witnesses are not required. Michigan requires all deeds to be signed, sealed and witnessed by at least two persons, and recorded in the county where the property is located. Minnesota requires two witnesses to deeds, acknowledgment and recordation. Mississippi requires all deeds to be proven by acknowledgment of at least one

subscribing witness and recorded in the Chancery Court. If the deed is not acknowledged two witnesses are necessary. A seal is not required. Possession and occupancy of the land is considered equivalent to recordation of the deed. Missouri requires that all deeds be signed, sealed and recorded but witnesses are not required. In Montana deeds must be in writing, signed, acknowledged and recorded. Nebraska requires that all deeds be signed in the presence of at least one witness, acknowledged and recorded. Witnesses are not required by Nevada but deeds must be signed, sealed, acknowledged and recorded. New Hampshire requires that deeds be signed, sealed and attested by two witnesses and recorded. New Jersey requires deeds to be signed, sealed, acknowledged and recorded. New Mexico requires that all deeds be signed, acknowledged and recorded. New York requires every deed to be signed and sealed and attested by at least one witness, it must be acknowledged before a proper officer and recorded. North Carolina requires that deeds be acknowledged or proved by one or more witnesses and recorded. Ohio requires that deeds be in writing, signed, acknowledged in the presence of attesting witnesses and recorded. Oregon requires two witnesses, acknowledgment and recordation of all deeds. Pennsylvania requires all deeds to be signed, sealed and recorded, and there must be one or more witnesses. Rhode Island requires all deeds to be in writing, signed, sealed and delivered, acknowledged before a proper officer and recorded. In South Carolina deeds must be in writing, signed, sealed and recorded in the office of the Recorder of Conveyances for the county where the land is situated. Two witnesses are necessary. Tennessee requires deeds to be acknowledged by the vendor or

proved by two witnesses and recorded. Texas requires that deeds be signed, acknowledged or proved by two witnesses, and recorded in the County Court. In Utah deeds must be signed by the grantor in the presence of a witness, acknowledged and recorded. Vermont requires that deeds be signed and sealed in the presence of two witnesses and recorded. Virginia requires that deeds be signed and sealed by the grantor, acknowledged and recorded within sixty days. In Washington deeds must be in writing, signed and sealed in the presence of two witnesses and recorded. West Virginia requires two witnesses to deeds and they must be acknowledged and recorded. Wisconsin requires that deeds be signed and sealed in the presence of two witnesses, acknowledged and recorded. In Wyoming deeds must be signed and sealed in the presence of two witnesses and recorded.

It is of more than passing importance that women who engage in commercial pursuit should know that open accounts cannot be sued upon after the time limit placed upon the life of such claims by the law. Likewise a judgment of court secured upon a claim on an open account, or upon a note or other obligation lapses after a certain number of years, but, upon motion before the expiration of that time, can be renewed. While a note is always desirable as the evidence of money due, it is valid in law only during the time specified in the Statute of Limitations in each State, but a payment of any sum on account on a note renews its life as if it were originally given on the date of such payment. For instance, if Mary Smith gave to Jane Jones a note for one hundred dollars, due six months after date, that note would be worthless after six years from its maturity, unless, Mary Smith made a payment on account of the amount due.

If the obliger paid even the smallest sum one day before the expiration of the life of the note, the note would thereupon be renewed for six years from date of the payment. Action is barred on notes in Alabama after six years, on open accounts after three years; Delaware, Mississippi and Washington have the same time limit of six years on notes and three years on open accounts. Arkansas, Florida, Kansas, Louisiana, Oklahoma and Virginia bar notes after five years and open accounts after three years. The limit is four years on notes and three years on open accounts in Arizona. In California the limit is four years on notes, and four years on open accounts, and Texas bars notes of four years and open accounts of two to four years. Colorado, Connecticut, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Oregon and Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee and Wisconsin bar action on notes more than six years old and on open accounts of more than six years standing. The District of Columbia, Maryland, and North Carolina bar action on notes after three years and on open accounts after the same time. Georgia, Nevada, New Mexico and Utah bar notes of more than six years and open accounts after four years. Illinois, Iowa, Missouri and West Virginia bar notes after ten years and open accounts of more than five years. Indiana places the limit at ten years for notes and six years for open accounts. Montana at eight years for notes and five years for open accounts. Kentucky makes the life of a note fifteen years, and open accounts five years, while Ohio bars action on notes after fifteen years and on open accounts after six years, and Vermont grants

fourteen years to the life of a note and six years to open accounts.

Many obligations may be, and are, evaded both within and without the law, but eventually one's worldly possessions pass to the custody, administration and ownership of heirs or legatees. If there is anything to give and bequeath it is better to leave written direction in the form of a will. While keeping close to the law laid down by each State in regard to last wills and testaments it is better to strip the document of all unnecessary verbiage and to make it as simple as possible, and so plain that all who are affected may easily read and even a fool may understand. Cluttering the document with wherefores, whereases and much detail, leaving one's prejudices, and emphasizing hate toward kindred and friends in a last will is not only a waste but may prove an obstruction both to its legal enforcement and the passage to Kingdom Come.

Every will should state at the outset that it is the last will of the testator and if other wills have been made it should state that thereby all others are revoked, though it is only the last document which would be valid in law.

Every will should close with the "In witness whereof I have hereunto set my hand and seal, declared same to be my last will, and executed same in the presence ofand....., witnesses," except that in some of the States there is provision made for the Olographic testament which requires no witnesses, but must be wholly written, dated and signed by the testator.

The word bequeath properly belongs to personal estate and the word devise to realty, hence, after setting forth the location, as, I, Jane Brown, of the City and State of New York, make this my last will and testament,

and hereby give, devise and bequeath, etc. The body of the will should contain specific but plain direction for the disposition of personal and real property, always bearing in mind that the laws of each State provide certain regulations for the giving of one's possessions to take effect after death.

A codicil is an addition to the main will and may be added at any time. It is like the postscript to a letter. But it must be witnessed the same as the will, and there may be any number of codicils added to the one last will, and each codicil should state "I hereby confirm my former will, dated....., excepting so far as the disposition of my property is affected by the terms of this codicil."

A simple form of will is as follows:

I,, of....., State of....., make this my last will and testament, and hereby give, bequeath and devise my estate, real and personal as follows: (then state specifically each article or parcel of property and to whom it is given). I appoint (here give the full name and address of the person desired as executor, and if more than one is named give the full names and addresses of each, stating they are to act as executors of the will).

In witness whereof I have signed and sealed, and declared this to be my last will and testament at (name place where will is made) in the presence of (name the witnesses), who have hereunto set their names together with my signature this.....day of....., 19..

Signature.

The said (give name of testator) at said (name place where will is made), signed and sealed this instru-

ment and declared the same to be her last will and testament, and we, at her request, and in her presence, and in the presence of each other, hereunto write our names as subscribing witnesses.

Witnesses:

.....

.....

Alabama permits persons of eighteen to dispose of personal property, but the testator must be of full age to dispose of real estate by will and there must be at least two subscribing witnesses.

Arizona permits any person of full age to make a will, which must be witnessed by two subscribing witnesses.

Arkansas permits the disposition of personal property by persons eighteen years of age and any person of full age may make a will disposing of real and personal property. If the body and signature of the will are in the handwriting of the testator the will may be proved by three witnesses proving the handwriting. When the will is made by another it must be in the presence of two subscribing witnesses to whom the testator must have declared the document to be his last will and testament.

California permits any person to dispose of his or her property by will at eighteen, but the testament must be witnessed by two subscribing witnesses.

Colorado passed the following Act in relation to Wills in 1915:

Sec. 1. Every person, aged twenty-one years, if a male, or eighteen years, if a female, being of sound mind and memory, shall have the power to give and devise, by wil or testament, any or all of the estate, right, title and interest in possession, reversion or remainder, which he

or she hath, or at the time of his or her death shall have, of, in, and to any lands, tenements, hereditaments, annuities or rents, charged upon or issuing out of them; and every person of the age of seventeen years, being of sound mind and memory, shall have the power to give and bequeath, by will or testament, any or all of his or her goods, chattels, and personal estate of every description.

Sec. 2. If any testator or testatrix, leaving a wife or husband, him or her surviving, shall by will give, bequeath, or devise away from such surviving wife or husband more than one-half of his or her property or estate, such surviving wife or husband may, in her or his option, and notwithstanding such will, take and receive one-half of the property or estate, both real and personal, of such testator or testatrix; Provided, That such surviving wife or husband exercise such option by filing in the county court, in which such will is admitted to probate, within six months thereafter, her or his election in writing to take and receive one-half of said property or estate; and upon the filing of such election within said time, any such will shall be inoperative as to such one-half of said property or estate. The failure to make and file such election within said period of six months shall be conclusive evidence of the consent of the surviving wife or husband to the provisions of such will.

✦ Connecticut and Dakota permit any person more than eighteen years of age to make a will, the former State requiring three witnesses and the latter two witnesses.

Delaware permits any person twenty-one years of age to dispose of real and personal property by will but

the document must be drawn in the presence of and subscribed to by two witnesses.

Females of eighteen and males of twenty-one may dispose of real and personal property in the District of Columbia when the will is witnessed by three or more credible witnesses.

Florida permits any person twenty-one years of age to dispose of real and personal property by will. There must be three or more witnesses. If the will is written by other than the testator it must be proven by three witnesses present.

Persons of fourteen years of age are permitted to dispose of real and personal property in Georgia. Married women may dispose of their separate property by will. There must be three subscribing witnesses.

Idaho permits any person of sound mind of eighteen years or over to dispose of his or her real or personal property.

Illinois permits females of eighteen and males of twenty-one to dispose of their real or personal property by will. There must be two or more subscribing witnesses.

Indiana permits any person except infants or those of unsound mind to dispose by will of real and personal property and there must be two or more witnesses to the testament.

Iowa permits any person of full age to make a will disposing of personal and real property and requires two witnesses to the will.

Males of twenty-one and females of eighteen may make disposition of their personal and real property by will in Kansas and the testament must be signed in the presence of two or more subscribing witnesses who saw

the testator sign and who heard him or her acknowledge the same to be his or her last will.

Kentucky permits any person of full age to make a will of personal and real property which must be witnessed by at least two persons. A married woman may dispose by will of her separate property.

Louisiana provides that any person over sixteen years may make a will and there are three kinds of wills, the olographic, the nuncupative will by private act and the nuncupative will by public act. The olographic will must be wholly written, dated and signed by the testator. It has been held that the using even of a printed date line will invalidate an olographic will in Louisiana. The nuncupative will by private act is one which may be written by any person for the testator, but he must sign it and in the presence of seven witnesses. The nuncupative will by public act is a will drawn by a notary but must be signed by the testator and in the presence of five witnesses and the notary who must place upon it his notarial seal. No woman, child under sixteen, insane, deaf, dumb or blind person is permitted to witness a will. Any person of age may make a will. By special provision of an Article of the Civil Code: "A married woman may make her last will and testament without the consent of her husband."

Maine permits any person twenty-one years of age to dispose of real and personal property by will and requires not less than three subscribing witnesses.

Females of eighteen and males of twenty-one may dispose of real and personal property by will in Maryland and there must be two subscribing witnesses.

Every person of full age and sound mind may dispose of his or her real and personal property by will in Mass-

achusetts, and there must be at least three competent subscribing witnesses.

Any person of full age may make a will in Michigan and in Minnesota disposing of real and personal property, and it must be witnessed by two subscribing witnesses.

Mississippi permits any person of full age to dispose of real and personal property by will. The holographic will is admitted in Mississippi, but to other wills there must be at least two subscribing witnesses.

At eighteen personal property may be disposed of by will in Missouri and at twenty-one all real property. There must be two or more subscribing witnesses in the presence of the testator.

At eighteen Montana permits any person to dispose of real and personal property by will. There must be two or more subscribing witnesses.

Nebraska permits any person of full age to make a will of movable and immovable property. There must be two subscribing witnesses.

Nevada permits any person of eighteen years of age to dispose of real and personal property by will which must be signed and attested in the presence of at least two competent witnesses.

New Hampshire permits anyone of twenty-one years or more, and sound mind, to dispose by will of real and personal property. There must be three subscribing witnesses.

New Jersey permits anyone of twenty-one years of age to dispose of real and personal property by will. There must be at least two witnesses and the law declares that all wills subsequent to 1850 must be in writing.

New York permits males of eighteen and females of sixteen years to dispose of personal property but the

testator must be at least twenty-one years of age to dispose of real property. There must be two witnesses who sign with the testator to whom he or she must have declared the testament to be his or her last will.

North Carolina permits olographic wills but the handwriting must be proven by at least three competent persons. Other wills must be subscribed to by two witnesses and at least one of them must have signed with the testator.

Ohio requires the testator to have been twenty-one years of age and there must have been two subscribing witnesses to make a will valid.

Oregon permits persons of twenty-one to dispose of real holdings and persons of eighteen may dispose of "goods and chattels." There must be two witnesses.


Any person of full age and sound mind may make a will in Pennsylvania disposing of real and personal property. There must be two witnesses.

Rhode Island permits persons of eighteen to dispose of personal property and persons of twenty-one to dispose of real property. There must be two or more witnesses.

Persons of twenty-one years may dispose of real and personal property in South Carolina but there must be three subscribing witnesses.

Any person of twenty-one years may dispose of real property by will in Tennessee, and males of sixteen and females of fourteen may dispose of personal property. There must be at least two subscribing witnesses, except to the olographic will which Tennessee permits but requires that the handwriting must be proven by at least three persons.

Texas permits persons of twenty-one years of age



to dispose of real and personal property and there must be at least two witnesses of more than fourteen years of age.

Persons of eighteen years may dispose of their property by will in Utah. There must be two witnesses.

Vermont permits any person twenty-one years of age to dispose of real and personal property by will. There must be three witnesses who sign with the testator.

Virginia permits persons of eighteen years to dispose by will of personal property and at twenty-one to dispose of real property. There must be two subscribing witnesses.

Persons of eighteen may dispose by will of personal property in West Virginia and of real property at twenty-one. There must be two witnesses.

In Wisconsin females may dispose of personal property by will at eighteen, and at twenty-five any person may dispose by will of personal and real property. There must be two or more subscribing witnesses.

In Washington females may dispose of personal property by will at eighteen and at twenty-one any person may dispose of real and personal property by will. There must be two subscribing witnesses.

Any person twenty-one years of age may dispose of his or her real and personal property by will in Wyoming. There must be at least two subscribing witnesses. X

Many wills have been made without the assistance or advice of lawyers or notaries whereby large estates have been disposed of, and such wills have frequently been probated and executed without any attack being made on them for fault of terms or provisions. But there is no hard and fast rule to guarantee a will from attack—it depends more upon the relatives of the deceased than

the construction of the last will and testament. It does serve as a measure of insurance to the ultimate disposition of one's goods and chattels, according to the wish expressed in the last testament, to have it drawn by a competent lawyer. If every requirement of the law is closely followed, all the forms and ceremonies declared by the State to be requisite and necessary to the last will have been observed, any attack which may be made by disappointed relatives would more surely meet with defeat. But when a woman prefers, or, for any reason it is necessary that she make her own will, the only general advice possible is that she observe the requirement that the will be in writing, that it be duly witnessed and that the witnesses be told the document is the last will and testament of the testator.

In State's where the olographic will is permitted, that is, the will which is wholly written, dated and signed by the testator, the handwriting must be proven, except in Louisiana where the olographic will is accepted and probated and the handwriting is admitted to be that of the testator unless it is attacked as a forgery, when the writing must be proven. When the olographic will is depended on to pass one's worldly effects it is usually a requirement of the law that the will must be found among the private papers and documents of the deceased in order to have it receive full faith and credence.

DIGEST OF THE LAWS OF THE SEVERAL STATES

Which Affect the Rights and Interests of Women and Minors

ALABAMA

MARRIED women in Alabama may contract with their husbands and others and their separate property is liable for their obligations, but when the contract is for the mutual benefit of husband and wife then the common property of both is liable. The husband is not liable for the contracts of his wife unless he has participated in them, or their benefits. A married woman may conduct business as a public merchant, if the consent of her husband in writing has been obtained and this written consent is put on record in the Probate Court. With such recorded consent a married woman in Alabama may conduct business, contract and be contracted with, sue and be sued the same as a *femme sole*. A married woman of eighteen is deemed of full age while the unmarried woman remains a minor until she is twenty-one.

With the consent of parents or guardians a girl may marry at seventeen, but without such consent she cannot contract marriage until she is twenty-one years of age.

There is no inheritance tax upon property.

If the wife survive her husband she takes all of the property, if there are no descendants. If there are children the widow and children share equally. If there are no children the wife takes all of the real estate only if there are neither sisters, brothers, or parents surviving. She is entitled to homestead rights.

If the husband survive the wife he takes half of the estate and the descendants, if any, divide the residue, and if there are no descendants he takes all of the estate.

At eighteen a woman may dispose by will of her personal property but only after attaining the age of twenty-one years can she dispose of her real estate by will.

Divorce will be granted a woman for abandonment by her husband of two years, for habitual drunkenness and for excessive cruelty.

The maximum penalty for rape is death, the minimum penalty ten years imprisonment.

Alabama has been a prohibition State since 1915.

Preference is given the father in the custody of children unless he is proven a person unfit for the trust.

The Child Labor Bill passed by the Alabama Legislature in 1915 provided for compulsory education after October, 1917, and it was obligatory for children between eight and fifteen years to attend school for eighty days in each year, exception being made where the services of the child are shown to be necessary for its support, the support of a disabled father, or a widowed mother.

No child under fourteen may work at any gainful occupation, exception being made of boys over twelve

who are allowed to work in offices and mercantile establishments out of school hours.

No person under twenty-one may work in a saloon or where liquor is manufactured, packed or sold.

There must be seats in shops for girl and women employees.

Boys under twelve and girls under eighteen will not be permitted to sell papers on the streets or in public buildings, but boys over twelve may distribute papers on regular routes. Between eight in the evening and five in the morning boys of less than sixteen years will not be permitted to engage in street trade of any kind without permission from specified authorities indicated by a badge. In cities of 25,000 or more persons less than eighteen will not be permitted to distribute messages or goods between 9 p.m. and 5 a.m.

Children under sixteen are prohibited from employment in places where there is dangerous machinery, or on vessels or railroads, or among dangerous acids or poisonous dyes or gases, or in any mine or tunnel or coal brake, coke oven or quarry, in building, on scaffolding, in manufacturing plants, or in concert halls, theatres or other shows.

The hours when children under sixteen may be employed in mills, factories and manufacturing plants is limited to six days or sixty hours in a week, not more than eleven hours in a day and work in such places is forbidden between six in the morning and six at night.

Between sixteen and eighteen years of age the restriction forbids work in any mill, factory, or manufacturing plant for more than eight hours in any one night.

Women and boys less than sixteen years of age are forbidden to work in any mine.

There is no Red Light Ordinance or law regulating commercialized vice. The earnings of the wife, and damages accorded her for personal injuries, belong to her separate estate. The wife may sue and be sued on all of her contracts and torts but she cannot transfer her real property unless her husband joins in the deed, unless he has abandoned her, is insane, a non-resident, or is imprisoned for a term not less than two years, then the court of her domicile may authorize her upon being petitioned.

A wife may not become surety for her husband in Alabama.

While the Child Labor Law quoted which makes many restrictions upon the hours of labor and conditions under which women and children may be employed, is a move along those lines followed in some of the other States which affords adequate protection, there is left room for much legislation in Alabama. While children between fourteen and sixteen may be worked "not more than sixty hours in a week of six days or more than eleven hours in one day, and while children between sixteen and eighteen are permitted to work "not more than eight hours in any one night," there is still opportunity for women to seek more generous protection for minors in Alabama. There are many mines and manufacturing plants in Alabama, especially in the vicinity of Birmingham, and many women and minors are employed in them.

ARIZONA

There is little discrimination between the sexes by the laws of Arizona. There is the community law between husband and wife which provides that all property acquired during the marital relation is a common asset, belonging equally to husband and wife. The rights of husband and wife are the same with regard to the descent of community property, or the separate estate. The wife retains control of her separate estate after her marriage. If she is living apart from her husband her earnings and those of her minor children belong to her separate estate. The husband cannot convey any real estate belonging to the community without the consent and signature of the wife. One advantage enjoyed by the husband is in regard to control of the community personal property, which, during the existence of the marital relation, may be disposed of by the husband only; and another advantage of the husband is his sole right to contract with regard to the community property as well as his separate estate, while the wife can contract only to affect her separate estate. Alice M. Birdsall, a very competent and a very successful woman lawyer of Phoenix says of the foregoing advantages of the male citizen: "While the provision might be deemed to work a certain hardship on married women, I presume that, since the support of the family devolves upon the husband, it is fair to give him a little more control than the wife in the community estate."

If a woman lists the property owned by her at the time of her marriage and puts it on record, such act maintains the exclusive use and benefit of such property

to her and holds it free from liability for debts of the husband. The community property is liable for the support of the conjugal home and the children.

Divorce will be granted upon proof of desertion for one year, if either party has been convicted of a felony prior to marriage and the other party had no knowledge of it, for cruelty, non-support and habitual drunkenness.

The female can contract a valid marriage in Arizona at fourteen with the consent of parents or guardians, and at eighteen without parental consent.

The inheritance tax on estates is as follows: Grandfather, grandmother, parents, husband, wife, child, brother, sister, son or daughter-in-law, one per cent, and \$5,000 is exempt to each beneficiary named.

To uncle, aunt, niece, or descendant thereof, two per cent. Estates of less than \$2,000 are exempt.

To other than the relatives named three per cent is taxed up to \$10,000, four per cent from \$10,000 to \$20,000, and five per cent from \$20,000 to \$50,000, and six per cent on amounts above \$50,000, and \$500 is exempt.

The age of consent in Arizona is eighteen years. The penalty for rape is imprisonment for not less than five years.

Equal suffrage has been in effect since 1914, and Arizona is a Prohibition State.

Boys under eighteen are prohibited from working in underground mines and no child under fourteen may be employed in gainful occupation during school hours.

No boy, and no female, under sixteen years of age may be employed in underground mines, quarries or coal breakers.

Boys less than sixteen and girls less than eighteen

are prohibited from working more than eight hours in each day or between seven at night and seven in the morning.

Boys between ten and fourteen may be specially permitted by license to sell papers, or do other work not harmful morally or physically, outside school hours.

Children under sixteen are prohibited from working in any place of danger.

Minors and women are prohibited from working in bar rooms.

Boys under ten and girls under sixteen are prohibited from selling papers on the streets. Messenger boys under twenty-one are prohibited from working after 10 p.m. and before 5 a.m.

Women are prohibited from working more than eight hours in a day, and one hour must be allowed for meals. If the week comprises but six days then one day in the week a woman may work ten hours.

It was Arizona which first established the "Honor system" in prisons. Soon after corporal punishment was abolished in 1911, Miss Kate Barnard, known throughout the country as "Oklahoma Kate," was invited by Warden Simms to be the guest of the State at the prisons at Florence and to help him evolve some humane method of aiding the prisoners to leave the institution bettered and not further degraded by their incarceration. Miss Barnard promptly responded and took up her residence inside the Florence prison. She studied the prisoners, talked with them, got their point of view and established the "Mutual Improvement League." Miss Barnard says of her experience:

"There were signs of mutinous dissatisfaction on the part of some of the inmates and the proposition to put

the ring leader in solitary confinement was under consideration, which had been the proceeding with insubordinate men in old days in Arizona. I saw at once that the human factor involved was jealousy. The ring leader complained of was 'a lifer.' He was a man of brilliant attainments, and it was noticeable that he was gaining a strong hold on the other prisoners. I solved the problem by establishing the Mutual Improvement League. Thus the honor system at last became a reality. The ultimate triumph of it was achieved when near the end of my six weeks stay I had that same 'lifer' drive me to church, a distance of four miles, and back again, without armed escort or guard or duress of any kind whatever."

ARKANSAS

A married woman, if she obtain the consent of the court of her domicile, may engage in business as a public merchant and make valid contracts with regard to such business.

Arkansas prohibits women from being executrix of estates.

If a woman list her separate property and place it of record it is exempt from liability for the debts of her husband.

She may convey or bequeath her separate property.

Upon the death of either husband or wife the estate goes to the survivor if there are no surviving ascendants or descendants. In any event the widow is entitled to one-third of the personal property and her dower in one-third of all real estate. She is entitled to Homestead rights.

Arkansas, in 1917, provided that women could vote in primary elections on the same terms as men.

Arkansas has an Industrial Welfare Commission which regulates the hours and wage rates of women.

Women and boys of less than fourteen years are prohibited from entering or working in mines. Children under fourteen are not permitted to work at gainful occupations except for parents or guardians and out of school hours. Children under sixteen are prohibited from working in dangerous places and they are prohibited from working where intoxicating liquor is sold.

Children under sixteen are prohibited from working more than eight hours in any day, and children between sixteen and eighteen are prohibited from working more than ten hours a day.

Children between eight and sixteen must attend school at least half of each public school session, unless the child's labor is necessary for self-support or the support of a disabled father or widowed mother.

Seats must be provided in all mercantile establishments for women employees.

The law gives the preference of guardianship of children to the father except in cases where the court, in its discretion, decrees otherwise, as in divorce actions.

Divorce will be granted upon proof of habitual drunkenness, cruelty, and desertion of one year.

A female of fourteen may contract a valid marriage with the consent of parents, and without parental consent at eighteen.

CALIFORNIA

Jack London, who could attune his pen to his poetic soul and who could bring from the music of his descriptive language keen and vivid pictures, liked to present California as a very Eden. In its generous consideration of its citizens, in protecting their rights, California has been an inspiration to workers for fair legislation in other States, for in the laws of California there is shown great care for all classes and for the woman as well as the man.

Married women in California are permitted to contract freely with respect to separate property and any business in which they may be engaged and a contract even between husband and wife is allowed. A valid agreement may be entered into between husband and wife providing for separate domicile and the care and custody of children.

At the time of its adoption in 1879 the Constitution provided: Art. XX, Sec. 18, "No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation or profession." It provided also that women should not be barred from any department of the State University. Under the foregoing provisions women in California enjoyed many years of opportunity and in October, 1911, the last provision discriminatory against women was removed from the Constitution by the Suffrage Amendment.

In 1914 provision was made for a minimum wage law for women, so that, on its face, the Constitution of the State of California after 1914 showed only one inequality between men and women—that inequality being in favor of women.

The Welfare Commission, composed of five persons, one of whom must be a woman, has power to investigate the wages and conditions under which women work, to regulate hours and wages, and its rulings have the force and effect of law.

The Codes of California contain many laws from the earliest days of California but they do not limit or bar women from contracting freely.

In the whole body of the civil law there appears to be but one discrimination against women, in that brothers of a decedent are entitled to letters of administration before sisters (C. C. P. 1365). And, in general, except as to community property, which represents the asset in which both husband and wife are owners, a married woman has the same freedom of action which the unmarried woman has.

Sec. 158 of the Civil Code provides, "Either husband or wife may enter into any engagement or transaction with the other, or with any other person, respecting property, which either might if unmarried." This is slightly modified by the chapter in the same code on Homesteads, but the modification discriminates against the husband rather than against the wife.

The Constitution provides that the separate property of husband or wife shall consist of all property owned by him or her before marriage, and that acquired afterwards by gift, devise or descent, with the rents, issues and profits thereof. The Civil Code (sec. 164) supplements this by establishing certain presumptions in favor of the wife. Where property is conveyed to a married woman by an instrument in writing it is presumed, unless otherwise specified in the writing, that it is to be held as her separate property, and in case of a similar

conveyance to husband and wife it is presumed, unless otherwise specified, that the wife takes as tenant in common. An additional advantage is given to the wife by the fact that the earnings and accumulations of the wife, and of her minor children, living with her while she is living separate from her husband, are her separate property. (C. C. 169.)

The wife may convey her separate property without her husband's consent (C. C. 162). She may make a grant of realty in the same manner as if she were unmarried (C. C. 1093). Under the Banking Act she may have a bank account in her own right free from the control of her husband.

A married woman may dispose of all of her separate property by will without the consent of her husband, and may alter or revoke the will in like manner as if she were single (C. C. 1273). However a will by a woman is revoked by her subsequent marriage and is not revived by the death of her husband (C. C. 1300), while, in the case of a man the will is revoked only if the wife survives him and is not provided for by marriage contract nor mentioned in the will (C. C. 1299). A married woman may be executrix or administratrix of a will. The authority of an executrix or administratrix is not affected by her subsequent marriage (C. C. P. 1352). A married woman's right to her separate property is protected by a provision that she may make and file for record an inventory thereof, and that the filing of such inventory is notice and *prima facie* evidence of her title (C. C. 165, 166).

The separate property of the wife is liable for her own debts contracted before or after marriage, but it is not liable for the debts of her husband, except that

property acquired by her by gift from him after marriage is liable for debts contracted by either of them for necessities furnished either or both while living together (C. C. 171). Neither is the separate property of the husband liable for the debts of the wife; and, by an amendment of 1913, the husband is exempted from liability for the wife's torts, except where, without the marriage, he would be jointly liable.

As to a married woman's right to sue and defend. When the action concerns her separate property, or where it is between her and her husband, or when they are separated by his desertion or by agreement, she may sue and be sued alone (C. C. P. 370). And in any case where both are sued she may defend and if her husband fail to do so she may defend him also. In case of the death of the father, or his desertion of his family, the mother may sue for the seduction or for the injury or death of a minor child (C. C. P. 375, 376).

The real discrimination against women in California, and practically the only discrimination, concerns the rights of parties to a marriage to the control of the community property. Community property includes all acquired by either husband or wife during the marriage, except that acquired by gift, bequest, devise or descent, its rents, issues and profits, and except also the earnings and accumulations of the wife and her minor children with her while she is living separate from her husband. The property rights of husband and wife are governed by the provisions of the Civil Code unless there is a marriage settlement (C. C. 177). A marriage settlement contract may be recorded (C. C. 179). The recording or non-recording of such a contract has the

same effect as the recording or non-recording of a grant of real property (C. C. 180).

The husband has the management and control and management of the community property, with the like absolute power of disposition, other than testamentary, as he has of his separate estate; provided, however, that he cannot make a gift of such community property, or convey the same without a valuable consideration, unless the wife, in writing, consent thereto; and provided also, that no sale, conveyance, or encumbrance of the furniture, furnishing and fittings of the home, or of the clothing and wearing apparel of the wife or minor children, which is community property, shall be made without the consent of the wife in writing (C. C. 172).

This power does not extend to the homestead, which may be selected from the community property, or from the separate property of the husband, or, with her consent, shown by her making or joining in the declaration of homestead, from the separate property of the wife. The husband, as head of the family, may select the homestead, but if he does not do so, the wife may. It may not be conveyed or encumbered except by an instrument executed by both husband and wife (C. C. 1242); and it may be abandoned only by declaration, or deed, executed by both (C. C. 1243).

The property of the community is not liable for the contracts of the wife made after marriage unless secured by a pledge or mortgage thereof executed by the husband (C. C. 167). On the other hand, the wife's earnings, though community property, are not liable for the debts of the husband (C. C. 168).

Certain rights to the control of community property are saved to a married woman by Title XII of the Code

of Civil Procedure relating to Sole Traders. Under its provisions when a husband fails to support her she may petition the Superior Court of the County where she resides for permission to become a sole trader. If it is granted she may carry on in her own name the business specified in the petition. She may invest in the business a sum not to exceed \$500 derived from the community property, or from the separate property of her husband. The profits from the sum invested belong exclusively to her and are not liable for the debts of her husband, and on causes arising from the conduct of the business she may sue and be sued alone. Her husband is not liable for any debts contracted by her in the course of her sole trader's business, unless contracted upon his written consent. A married woman who is adjudged a sole trader is liable for the maintenance of her minor children.

Upon the death of the husband only one-half of the common property goes to the surviving wife, the other half being subject to his testamentary disposition and in the absence thereof going to his descendants, or, if there are none, to his heirs. But the entire community property is subject to the debts of the deceased husband and the expenses of administration (C. C. 1402). However, the widow, and minor children, until letters are granted and the inventory returned, are entitled to remain in possession of the homestead, wearing apparel and household furniture, and are entitled also to reasonable provision for their support (C. C. P. 1464).

Upon the death of the wife all of the community property goes to the surviving husband without administration, excepting such part as has been set aside to her by judicial decree, which part is subject to her

testamentary disposition, and in the absence thereof goes to her heirs, exclusive of her husband.

These rules, however, do not apply to the homestead. If it has been selected from the community property or from the separate property of the spouse making the selection, on the death of either it vests in the survivor. In other cases, upon the death of the person whose property was selected it goes to the heirs or devisees, subject to the power of the Superior Court to assign it for a limited period to the family of the decedent (C. C. 1265).

To offset the rights of the husband in regard to the community property the wife is entitled to support from him. If he does not give it any other person may provide her with necessaries and recover from him the reasonable value thereof (C. C. 174); providing, that when she has abandoned him (unless she was justified by his misconduct) he is not liable until she offers to return, and excepting also that he is not liable when she is living separate by agreement, unless stipulated in the agreement (C. C. 175). But the wife must support her husband out of her separate property if there is no community property and if he is unable from infirmity to support himself (C. C. 176).

The husband, however, is the head of the family and may choose any reasonable and fit place of abode and mode of living and if the wife does not conform thereto it is desertion. (But if the place or mode of living he selects is unreasonable and grossly unfit, it is desertion on his part from the time she objects.) On the other hand, wilful neglect of the wife by the husband i. e., his failure to provide necessaries for her, if continued for one year is a cause for divorce. In any

action for divorce, even where the divorce is denied, the court may provide for the maintenance of the wife and children by the husband (C. C. 136). When such an action is pending "the court may in its discretion require the husband to pay as alimony any money necessary to enable the wife to support herself and her children, or to prosecute or defend the action" (C. C. 137).

When the husband deserts the wife, or fails to provide for her, or when she has an accrued cause for divorce she may, without applying for divorce, maintain an action against him for permanent maintenance of herself or of herself and children (C. C. 137).

The husband may be required to pay alimony during the pendency of this action also. The judgment may be enforced by order of the court, which may be altered or revoked at any time within the discretion of the court.

When a divorce is granted for an offense of the husband the court may compel him to provide for the maintenance of the children and to make such suitable allowance to the wife for her support during her life or for a shorter period as the court may deem just. And the court may from time to time modify its orders in this respect.

As regards the personal relations of husband and wife, they stand on fairly equal footing. And this is true in more than the technical sense, for the law seems in a measure to equalize the differences that must necessarily arise from the nature of the relationship and our social customs. Both husband and wife have five causes for divorce: Adultery, extreme cruelty, desertion, habitual intemperance and conviction of a felony. The wife has one more than those mentioned—wilful

neglect. She is protected from the man's superior physical strength even when she cannot prove extreme cruelty by a provision that if one party leaves the home because of cruelty or threats of bodily harm it is not desertion by the absent party but by the other (C. C. 98). And refusal of reasonable matrimonial intercourse is desertion only "when health or physical condition does not make such refusal reasonably necessary" (C. C. 96).

A hardship which may be suffered by the wife arises from the right of the husband to control the community property. This leaves her economically dependent upon him, and it may be difficult for her to get a reputable attorney to handle her case, or even, sometimes, to raise the necessary court costs to start proceedings. "This difficulty," declares Margaret Gardner, the woman lawyer and Deputy Prosecutor of Los Angeles, "is not entirely obviated by the provision that 'the court may in its discretion' order the husband to pay her expenses of suit, as, of course, she has to raise the money first in order to take advantage of that provision. I know of one woman whose cause for divorce, adultery, and a flagrant case, was lost by the lapse of time before she could, while supporting herself and children, earn enough to sue." As it is unethical for a lawyer to advance costs in a divorce suit, or to take such a case on a contingency basis, the one person who best knows the merit of the claim is barred from filling the financial breach. While it is true that the wife's earnings are her separate property while she is apart from her husband, too often after "making a home" she is fitted for nothing but housework, she is quite out of touch with the trades and professions by which she might earn a decent income, and, especially if she has the encum-

brance of children, she is at a serious disadvantage. The difficulty is not easy to surmount for it may be questioned whether giving the wife a share in the control of the community property is practicable, or, if practicable, if it would be a remedy. The wife is the victim of the age-old idea that a married woman should not work and bring in an income. It is the economic dependence which is the fundamental inequality. The need is for a change of sentiment, a fairer and saner view of the partnership of marriage, then the desired change of law would follow as a natural sequence.

Regarding the right to the custody and the duty of supporting children the discrimination in California seems somewhat in favor of the mother as against the father. At the first session of the Legislature after the Suffrage Amendment, Sec. 197 of the Civil Code was amended to give the mother an equal right with the father to the custody services and earnings of legitimate children, even when the parents are living separately. In the same year Sec. 196a was added making the father as well as the mother of an illegitimate child liable for its support and education, though the mother is entitled to its custody, services and earnings (Sec. 200). The mother, on the other hand, is liable for the support and education of a legitimate child only in case that which the father is able to give is inadequate (Sec. 196).

A guardian of a legitimate child may be appointed by will by the father with the written consent of the mother, or by either if the other be dead, or incapable of consent. The mother only of an illegitimate child has power to make such an appointment.

In the penal law such discrimination as appears is rather in favor of women than against them. Sec. 26

of the Penal Code provides that "married women (except for felonies) acting under the threats, command or coercion of their husbands are not capable of committing crimes."

Sec. 270a, 270b, 270d, and 273h have recently been added. The three first named provide for the punishment (as a felony or misdemeanor in the discretion of the court) of husbands who fail to provide for their wives, for the suspension of proceedings in such a case upon surety being given for provision for the wife, and for the payment (in the discretion of the court) of any fine imposed to the wife. Sec. 273h provides that defendant in such a case may be sentenced to work on public work, and that if he is so sentenced the county supervisor may order a sum not to exceed \$1.50 for each day's work, to be paid to the wife. "In practise this law does not work out as favorably to the wife," says Margaret Gardner, "as might appear on its face, for it is not often enforced except where she has small children on her hands, as juries are ready to see the power it might give a selfish or unscrupulous woman over her husband."

Working women are given especial protection from industrial wrongs in California by two penal statutes (not embodied in the Code), one prohibiting the employment of women at less than an adequate living wage, and the other prohibiting the employment of women in certain occupations for more than eight hours a day or forty-eight hours a week.

Discussing the penal laws of California, Miss Margaret Gardner says:

"The penal laws protecting women in California are fairly complete and satisfactory. There are several sec-

tions of the Penal Code forbidding as felonies the abduction of women, seducing them for the purpose of prostitution, or holding them under duress for that purpose, and buying and selling them. The section punishing seduction under promise of marriage, however, has been interpreted as not covering cases where the man acts under the cloak of a former marriage, promising an immediate divorce and marriage as soon as he is 'free.' But young girls are protected from such men by the fact that the age of consent in rape cases is eighteen years. A provision that when the girl is over sixteen and less than eighteen the offense may be punished as a misdemeanor makes it enforceable in practise. Panderers are punishable as felons. The penal law regarding prostitution is one-sided, at least in its enforcement, as the prostitute is punished as a vagrant while the man who employs her is not. This distinction is perhaps not intrinsic in the law, but arises rather in its customary application. In Los Angeles ordinances have been passed whereby both are punished in cases of resort to rooming houses, hotels and other public places.

"A brief comment upon actual conditions in California," continues Miss Gardner, "is necessary. It must be borne in mind that just statutes do not necessarily give justice and equality before the law, nor does it mean equality before the law's administrators. For example, there is nothing in the law of California to prevent the selection of women for jury duty, but as a matter of practise they are almost never selected. Instances might be multiplied of cases where law and custom do not coincide. This is due to a prejudice among men which (I speak from personal experience) can be overcome

if women who go into the professions or into public office without demanding especial consideration, or especial privilege, and quietly, by real effort, succeed. The method of forcing public opinion by means of legislation creating special office for women is deplorably short-sighted. For instance, Los Angeles has five police judges; there is nothing in the law to make women ineligible for the office of judge; but it was attempted to force the enactment of a law creating the office of 'woman police judge.' Fortunately the effort failed. Such a law would, by implication, make women ineligible for the five other offices and take from them their equality with men before the law. To a certain extent public opinion governs the administration of the law. But without equal laws public opinion cannot give equality."

Watchful waiting and quiet preparation for the opportunities that are coming to them seems all that California women need to gain perfect equality. They should adopt Charles Kingsley's rule as amended by Eugene Manlove Rhodes, "Make good sweet maid and let who will be clever."

Minors in California who are less than fifteen years of age are not permitted to work in gainful occupations, except that minors, between twelve and fifteen, are permitted, with stipulated consent, to work in vacation and out of school hours if they have certain prescribed school certificates and are physically able.

Children under sixteen are not permitted to work in places physically or morally dangerous.

Minors under eighteen are prohibited from working more than eight hours in any day or between ten at night and five in the morning, and minors under eigh-

teen are not permitted to distribute messages between 9 p.m. and 6 a.m.

School attendance is made obligatory except where children have certificates which have been issued for the reasons legally provided entitling them to work.

California has the Red Light and Abatement Law which provides that where a building has been used for immoral purposes it shall be closed for one year on conviction of the proprietor.

In 1915 Orfa Jean Shonts was appointed Referee in Juvenile Court matters in Los Angeles with all of the powers of a Referee in Chancery Courts or the judge thereof, and Judge Shonts, in establishing her court appointed women bailiffs, clerks, etc. Between November 1st, 1915, and November 1st, 1916, there was disposed of by her 1575 cases.

With parent's consent a girl may marry at fifteen years and without parental consent at eighteen.

The inheritance tax on property is as follows:

To husband or wife, ascendants or descendants one per cent to twenty-five thousand dollars, two per cent from twenty-five to fifty thousand dollars and four per cent from fifty to one hundred thousand dollars. From one hundred to two hundred thousand dollars the tax is seven per cent and from two to three hundred thousand dollars it is ten per cent. \$24,000 is exempt to widow or minor child and to the other beneficiaries herein named \$10,000 is exempt.

Under the California Constitution there is a provision for needy orphans which requires the State to provide one hundred dollars per annum for each orphan and seventy-five dollars per annum for each half-orphan under the age of fourteen years who is de-

pendent and by amendment in 1913 it is further provided that "in addition to the amount paid by the State for each orphan maintained at home by the mother, the county, city and county, city or town, may pay for the support of such orphan or half-orphan an amount equal to the sum paid by the State."

San Francisco in 1916 established a Night Court, and a Woman's Court where only women offenders are tried and to this latter court San Francisco has blazed a new road by appointing Mrs. Jean De Greayer prosecutor.

Margaret Gardner says of the laws of California: "I may say that the inequalities of our laws are largely in favor of women rather than against them. This is especially true since the Suffrage Amendment and the amendments immediately following. I think the status of women in California is of especial interest from that very fact."

COLORADO

Colorado, like California, gives to her women citizens fair consideration. In those States where legislation has been backward in the matter of protection for the weak and dependent and in equalizing the status of women with men, the pattern already tried and found to so well fit progressive western States would be well worth the copying.

Sec. 4181 Colo. Stat. Ann. reads:

The property, real and personal, which any woman in this state may own at the time of her marriage, and the rents, issues, profits and proceeds thereof, and any real, personal or mixed property which shall come to her by descent, devise or

bequest, or the gift of any person except her husband, including presents or gifts from her husband, as jewelry, silver, tableware, watches, money and wearing apparel, shall remain her sole and separate property, notwithstanding her marriage, and not be subject to the disposal of her husband, or liable for his debts.

This gives to a woman the same right to bind and obligate herself which is man's, and the woman citizen having that right should be, and desires to be held to the same accounting. It is the sure way to teach women to walk alone and to gain strength as they tread unsupported. It is a condition of servitude when the law of a State withholds from married women the right to contract freely and to be held for their contractual relations.

And, going farther in establishing the rights of married women the following Statutes were enacted:

Sec. 4182. Any woman may, while married, sue and be sued in all matters having relation to her property, person or reputation, in the same manner as if she were sole.

Sec. 4183. Any married woman may carry on any trade or business, and perform any labor or services, on her sole and separate account, and the earnings of any married woman, from her trade, business, labor or services, shall be her sole and separate property, and may be used and invested by her in her own name; and she may sue and be sued as if sole, in regard to her trade, business, labor, services and earnings, and her property acquired by trade, business and services, and the proceeds thereof may be taken on any execution against her.

Sec. 4188. The separate deed of the husband shall convey no interest in the wife's lands.

Sec. 4189. Any woman may, while married, execute any

bond, bill, promissory note, or other instrument in writing, for the direct payment of money; and if the consideration thereof went to the benefit of her estate, she shall be liable thereon in an action at law, and a judgment obtained against her thereon in a court of record shall be a lien on her real estate, and execution may issue on such judgment as in other cases.

Sec. 4190. That hereafter any woman, while married, may bargain, sell, and convey her real and personal property, and enter into any contract in reference to the same, as if she were sole.

Sec. 4191. Any woman, while married, may contract debts in her own name and upon her own credit, and may execute promissory notes, bonds, bills of exchange and other instruments in writing, and may enter into any contract the same as if she were sole; and in all cases where any suit or suits, or other legal proceedings shall be instituted against her, and any judgment, decree or order therein shall be rendered or pronounced against her, the same may be enforced by execution or other process against her the same as if she were sole.

In the case of *Button vs. Higgins*, 5th Ann. p. 167, the court held:

"The business affairs with regard to which a married woman may contract is unlimited."

And in the case of *Allen vs. Eldridge* it was held:

"A husband is deprived of all interest in the labor of his wife rendered to third persons."

In providing for the interest of the wife in the household goods and in her husband's salary the following statutes were enacted:

Sec. 514. That any chattel mortgage upon, and any sale of the household goods, used by the family, when given or made by husband or wife residing with the other, shall not be valid unless executed or made by both husband and wife jointly.

Sec. 7006. No assignment of his wages or salary by a married man, who shall be the head of a family residing in this state, shall be valid or enforceable without the consent of his wife, evidenced by her signature to said assignment executed and acknowledged before a notary public or other officer empowered to take acknowledgements of conveyances, and no wage broker or person connected with him directly or indirectly shall be authorized to take any such acknowledgment.

Sec. 7014. No assignment of wages not already earned at the time of such assignment and no assignment of any sum to become due the assignor after the date of such assignment shall and residing with a wife or husband, such wife or husband shall be valid, unless, if the assignor be a married man or woman join in and shall sign such assignment.

An Act Relating to the Estates of Deceased Persons, Insane Persons, Mental Incompetents, Feeble-minded Persons and Minors, reads:

Passed by General Assembly 1915

Sec. 134. If any decedent leaves a widow residing in this state, in all cases she shall be allowed to have and retain as her sole and separate property, one bed and bedding, wearing apparel of herself and family, one cow and calf, one saddle and bridle, one horse, household furniture for herself and family, and also the same amount and species of property as is or may be by law exempt from execution, not to exceed in any event the sum of \$2000.00 in value. If there be no widow, but an orphan minor child, or children, such child or children shall be entitled to the same rights of allowance as a widow, to be allowed in the same manner and paid to a guardian for such child or children. If the decedent be a woman and at the time of her death left an orphan minor child or children whose male parent was not living at the time of the death of such decedent, such child or children shall be entitled to the same

rights and allowance as a widow, to be allowed in the same manner and paid to the guardian of such child or children.

In case of the death of a husband or wife intestate, one-half of the property goes to the surviving husband or wife, and one-half to the children. If there be no children surviving then the entire property goes to the surviving husband or wife.

The law under which the women of Colorado vote is as follows:

That every female person shall be entitled to vote at all elections, in the same manner in all respects as male persons are, or shall be entitled to vote by the constitution and laws of this state, and the same qualifications as to age, citizenship, and time of residence in the state, county, city, ward and precinct; and all other qualifications required by law to entitle male persons to vote shall be required to entitle female persons to vote.

Colorado holds the estate of the wife and the estate of the husband equally liable for household necessities.

The Homestead provisions are careful of the rights of the woman as well as the man and read:

Every householder in the state of Colorado, being the head of a family, shall be entitled to a homestead not exceeding in value the sum of \$2000, exempt from execution and attachment, arising from any debt, contract or civil obligation, entered into or incurred after the first day of February, in the year of our Lord, one thousand eight hundred and sixty-eight.

To entitle any person to the benefit of this act, he shall cause the word "homestead" to be entered in the margin of his record title to the same, which marginal entry shall be signed by the owner making such entry and attested by the clerk and recorder of the county in which the premises in question are situated, together with the date and time of day on which the

said marginal entry is so made; Provided, That in case the husband is the owner of said homestead, the wife may cause such entry to be made, and recorded, and the signature of the said entry by the wife shall have the same effect as if entered by the husband, the owner of the property.

When any person dies seized of a homestead, leaving a widow, or husband, or minor children, such widow, or husband, or minor children, shall be entitled to the homestead; but in case there is neither widow, husband, nor minor children, the homestead shall be liable for the debts of the deceased.

Gladys Fox, who won high place at the Colorado Bar and who ranks as one of the leading lawyers of the West, declares that the laws which have been enacted by Colorado for the protection and defense of the rights, both property and personal, of her women citizens, and the safeguards placed round minors and women who must work to live, have been easy of enforcement, have proved practical and for the good of the State as well as the people. Men and women have worked in accord in Colorado for the best interest of the State, that spirit of antagonism to established conditions engendered by discriminatory laws being absent. Where there has arisen troubles between labor and capital violations of the law have been brought about in the main by outside interference and agitators.

The law which secures an eight-hour labor day to women reads as follows:

No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant in this state more than eight hours during any twenty-four hours of any one calendar day. The hours of work may be so arranged as to permit the employment of females at any time,

provided, that any such female shall not work more than eight hours during the twenty-four hours of any one calendar day.

The provisions of the statute also declare the employment of females in any and all manufacturing, mechanical and mercantile establishments, laundries, hotels, and restaurants, injurious to health and dangerous to life or limb, prohibited. Also employers in manufacturing, mechanical and mercantile establishments are required to provide seats for female employees.

The Mother's pension is provided for in Colorado under the law described as "Mother's Compensation" and Section 558 reads:

Any dependent child committed to the State Home for Dependent and Neglected Children shall, as to its care and disposition by said home, be subject to any special order of the court, making such commitment, provided such order be made at the time of such commitment. If the parent or parents of such dependent or neglected child are poor and unable to properly care for such child, but otherwise are proper guardians, and it is for the welfare of such child to remain at home, the court may enter an order finding such facts and fixing the amount of money necessary to enable the parent or parents to properly care for such child, and thereupon it shall be the duty of the Board of County Commissioners, and in those cities and counties operating under Article XX of the Constitution it shall be the duty of the department and authority performing that part of the functions of a board of county commissioners, or vested with power for the relief of the poor, to pay such parent or parents, or, if it seems for the best interests of the child, to some other person designated by the court for that purpose, at such times as said order may designate, the amount so specified, or when so ordered by the court, its equivalent in supplies and assistance, for the care of

such dependent or neglected child until the further order of the court.

Colorado has compulsory education for children under fourteen years of age.

The age of consent is eighteen and the penalty for rape is from three years to a life term of imprisonment.

There is an inheritance tax on property passing to husband, wife, ascendants, lineal descendants, brother or sister, of two per cent above \$10,000, which is exempt. To uncle, aunt, niece, or their descendants, three per cent. To all others than those named the tax is three per cent from \$500 to \$10,000, four per cent from \$10,000 to \$20,000 and from \$20,000 to \$50,000 the tax is six per cent.

Broadly speaking the State of Colorado secures to the wife all the property owned by her at the time of her marriage, or acquired afterward. She can contract as a sole, her earnings go to her separate estate and remain entirely under her control, and her property is not liable for the debts of her husband. Neither husband nor wife can alienate by will more than half of his or her estate.

Colorado is a Prohibition State.

The provision of law regarding the pledge of a man's wage, unless the pledge is concurred in by his wife, and such concurrence is voluntary and so evidenced by the affirmation of the notary that he knows the woman and has questioned her apart from her husband and she has declared herself willing that the wages of her husband shall be pledged, is far reaching in its protection of women and children.

Divorce will be granted for impotency, adultery, de-

sertion for one year, cruelty, non-support, habitual drunkenness and conviction of a felony.

A divorce does not in any way affect the legitimacy of any child of a marriage, nor its right to inherit the property of its father and mother.

There must be actual residence for at least one year within Colorado to entitle a citizen to sue for divorce.

In any action for divorce the defendant may file a cross complaint in which may be set forth any one or more causes for divorce against the plaintiff; and if, upon the trial of the suit both parties are found to be guilty of any one or more causes for divorce, then a divorce will not be granted to either party.

CONNECTICUT

There is no age limitation in Connecticut for contracting marriage, but the State holds the contract one not easy of dissolution. Three years actual residence within the State must be shown to entitle the citizen to sue for divorce and the decree will be granted upon proof of adultery, desertion and total neglect for three years, habitual drunkenness, cruelty and when one of the spouses has left the marital abode and has not been heard from in seven years.

There is a distinct line of demarkation in the property rights of persons married subsequent to 1877. Parties married before April 20th, 1877, may, by written contract, duly recorded, substitute for their rights as existing at that date those given to parties thereafter married. The husband married before April 20, 1877, has a right to the use of the wife's real estate during her

life and an estate by curtesy after her death. All the personal property of any woman married since the 22nd of June, 1849, and before April 20th, 1877, and all of the personal property acquired thereafter by a married woman, and the avails of such property if sold, shall vest in the husband in trust, to receive and enjoy the income thereof during his life, subject to the duty of spending therefrom so much as may be necessary for the support of his wife and children. Upon his death the remainder of the trust property shall be transferred to the wife, if living, otherwise as she may, by will, have directed, or in default of such will to those entitled by law to succeed to her estate. A marriage contract after April 20th, 1877, gives neither the husband nor the wife any interest in the property of the other, except as a survivor. Her earnings are her own property. The property of either is not liable for the debts of the other, unless they be for the support of the family for which the husband is liable. On the death of either the survivor has the use for life of one-third of the property, real and personal, which right cannot be defeated by the will of either. If there be no will the survivor takes one-third absolutely, and if there is no issue, one-half. They may contract either before or after marriage for a provision in lieu of this statutory share.

The inheritance tax on property passing to husband, wife, ascendant, or descendants, is one per cent from \$10,000 to \$50,000, two per cent on \$50,000 to \$250,000 and three per cent on \$250,000 to \$1,000,000.

The father and mother are given equal rights in the custody and guardianship of children.

Minors and women are prohibited from working more than ten hours in any day, or more than fifty-

eight hours in a week. This regulation to ten hours must be considered as beneficent—even as there are persons who can see an advantage in the method of capital punishment, as in electrocution instead of hanging by the neck until dead. There are a great number of cotton and other manufacturing plants in Connecticut and in them many women and children are employed hence serious attention should be directed toward the care and protection of these women and minors.

DELAWARE

The State of Delaware declares the personal property owned by the wife at the time of her marriage, or acquired by her after marriage, is her separate property not subject to the disposition of her husband and not liable for his debts. But the wife cannot dispose of this property, written into the law as her own separate belonging, without the consent of her husband. Nor can a woman mortgage her separate real estate without the consent of her husband.

The earnings of a wife are her separate property and not subject in any way to the husband's control.

A widow is entitled to dower as at common law, but if the husband dies without leaving issue she is entitled to one-half instead of one-third of his real estate.

Minors under twelve years are prohibited from working in factories, but canneries where perishable vegetables are canned are excepted.

Minors under fourteen are not permitted to work at any gainful occupation during school hours.

Persons under twenty-one are prohibited from working in bar rooms.

Children between seven and fourteen must attend school at least five months in each year, and there is prohibition of employment of children in places dangerous to morals or life and limb.

Seats must be provided in mercantile establishments for women.

One day in a week a woman may be employed for twelve hours, and in manufacturing plants, laundries, printing offices, bakeries, telephone and telegraph offices, they are limited to ten hours work a day.

There is no minimum age for a minor to contract marriage in Delaware.

Divorce will be granted for adultery, desertion for two years, or neglect to provide for three years, habitual drunkenness and cruelty.

There is no inheritance tax on property passing to husband, wife, ascendants or descendants. To all others there is an exemption of five hundred dollars. Above that a tax of one per cent is levied on estates passing to brothers, sisters, or their descendants, two per cent to great-uncles, great-aunts or their descendants. To all others five per cent.

Delaware has not only capital punishment and graduated fines and imprisonment but prescribes whipping for certain offenses.

The control and guardianship of children is given preferably to the father and he may by will name a guardian even though the mother survive.

There is local option in several counties.

The age of consent is eighteen years and the penalty for rape is a fine of not more than one thousand dollars or imprisonment for not more than twenty years.

DISTRICT OF COLUMBIA

Section 940 of the Code of the District of Columbia provides that if a person die intestate his real estate shall descend to his lawful heirs in the direct line of lineal descent equally. Section 955 provides that both in the descending and collateral lines the inheritance shall be distributed *per stirpes*. "They shall by representation, be considered in the same degree as father and mother would have been if living, and take the share that would have gone to the deceased parent." If there are no lineal descendants the estate, if acquired from the father goes to the brothers and sisters of the blood of the father, or their representatives, then to the grandfather and his descendants, until heirs fail, then to the mother and her descendants and to maternal ancestors and their descendants. When the estate comes by inheritance from the mother it goes to the brothers and sisters of the blood, then ascends to the mother's ancestors. Emily A. Spillman, a woman lawyer of the Bar of the District of Columbia explains the laws of intestacy and descent further: "The inheritance," she says, "in the husband or wife of the intestate is deferred until all of these designated lines fail. If the husband or wife should be dead, then the inheritance passes to the kindred of such wife and husband, and where the intestate has been more than once married, and the several husbands or wives have died before the intestate, the estate is divided among the kindred of all of them equally."

Ante-nuptial children are made legitimate upon the marriage of their parents and are capable of inheriting and transmitting property as though born in wedlock.

Illegitimate children can inherit from their mother, or from each other, or the descendants of each other, the only exception being that the child cannot take by inheritance from the mother if she was mentally incapable of making a will and remained so until her death. The mother can inherit from the child when descendants or brothers or sisters and their descendants fail, and if the mother is dead her heirs can take as though the child had been legitimate.

The labor laws in effect in the District of Columbia are the work of Congress and provide that children under fourteen years of age shall not be employed in any occupation dangerous to life, limb or morals, nor in any factory, mill, workshop, or mercantile establishment, nor after seven in the evening or before six in the morning. Only in the event that labor is necessary for the child's support, or an invalid father, mother, younger brother or sister, may children between twelve and fourteen be employed in any gainful occupation. Children between fourteen and sixteen must have school certificates before being permitted to work. Boys under ten and girls less than thirteen years of age are prohibited from selling papers or merchandise on the public streets or in public places without a badge, or permit, issued by the Superintendent of schools.

Seats must be provided for females who work in stores, offices, shops or manufactories.

The District of Columbia has a Red Light and Abatement law.

The age of consent is sixteen, and the punishment for rape of a woman is imprisonment from five to thirty years.

Marriages may be annulled for lunacy, fraud, coer-

cion, impotency and lack of having attained the proper age at time of marriage.

There is no inheritance tax on property.

FLORIDA

Florida retains much of the sentiment in her laws which obtained throughout all that section known as "The Louisiana Purchase," of which Florida was part. Having been at one time French and later Spanish territory before it became part of the United States, it is the laws of those countries which color personal and property rights in Florida.

The property of a woman at the time of her marriage remains her separate property and is free from liability for the debts of her husband, but she cannot sell, mortgage or otherwise hypothecate it without the consent of her husband. She can make contracts with regard to this separate property—always, however, such contracts require the consent of her husband. In conveying her separate estate she must have a separate acknowledgment, apart from her husband, as well as the joint agreement of conveyance. From the time of marriage the property of the wife passes under the management and control of her husband and there is no relief provided her in the law against her husband's mismanagement, nor is there any recourse against him for rents and revenues, etc., accruing while her separate property is under the management of her husband.

The wife's earnings go to her separate estate and are entirely outside the husband's control.

There are laws in Florida regulating the hours of

labor for minors but not for the women engaged in labor.

A child less than fifteen years of age may not be employed for more than sixty days without the consent of the parents. Under sixteen years of age minors are prohibited from working more than nine hours each day.

No person less than twenty-one years of age will be permitted to work in a saloon.

Seats must be provided for women in all mercantile establishments.

Minors under sixteen years of age are prohibited from working in any place dangerous to morals or life and limb.

There is no inheritance tax on property.

Divorce will be granted for adultery, desertion of one year, cruelty, habitual drunkenness, violent temper and relationship within the prohibited degree.

GEORGIA

All property of the wife at the time of her marriage, and all property acquired by her during coverture, is her separate property and is not liable for the debts of the husband. The consent of the husband is required, however, to permit the wife to sell, mortgage or otherwise hypothecate her property.

The husband, as the head of the family, has the right to select the domicile and his legally established domicile is regarded as the domicile of the wife no matter where she reside. The husband is liable for the support of the home and the education of the children.

A female of fourteen may contract marriage with

the consent of her parents or at eighteen without their consent.

Divorce will be granted for adultery, desertion of three years, cruelty, fraud in obtaining marriage, and relationship within the prohibited degree.

There is an inheritance tax on property passing to husband, wife, lineal descendant, brother, sister or daughter-in-law of one per cent above \$5,000 which is exempt. To all other persons than those named the tax is five per cent.

The labor day is restricted to ten hours, or sixty hours in a week, and by specific wording of a statute bosses and managers in factories, and overseers, are prohibited from inflicting corporal punishment on minors, and "no child under twelve years shall be sold, apprenticed, given away, or hired out for rope or wire walking, or as gymnast, or acrobat, or for any indecent exhibition or practise."

Minors under twelve are forbidden to work in any factory or mill or other place dangerous to morals, life and limbs.

Children under fourteen are forbidden to work at gainful occupations unless it be necessary for their own support or that of a widowed mother, aged or disabled father.

Night work is forbidden minors under fourteen.

Seats are required to be furnished women employees of mercantile establishments.

The guardianship of children is left entirely to the discretion of the courts.

There is no age of consent in Georgia, but the rule which obtains in the United States, in the absence of special statute, that a child of less than ten years would

not be held to consent to her own defilement, has been followed. The penalty for rape is death.

ILLINOIS

A married woman in Illinois may own in her own right real and personal property, and she may manage, sell and convey the same, her earnings, and when invested, the rents, revenues and issues of such earnings belong to her free from any control of her husband, and she may sue and be sued in all matters relating to her own property or interests.

A married woman is not allowed to engage in business as a public merchant without the consent of her husband, unless her husband is insane, imprisoned, or has deserted her, in which event she can be authorized to pursue her business without his consent.

The husband is chargeable with the maintenance of the conjugal home and the children, but if he has no means wherewith to meet the obligation, and his wife has property, she must meet the expense necessary for such maintenance as they are jointly and individually liable for the maintenance of the home and the education of their children.

A married woman may not enter a partnership without the consent of her husband and all of her contractual obligations must be based on the knowledge and permission of her husband unless he is insane, imprisoned, or he has deserted her.

Illinois passed the first Mother's Pension Law in 1911 and under it jurisdiction is given the Juvenile Courts of destitute mothers; when they are found best

fitted to care for their children the State will grant fifteen dollars a month for one child, and if there are more than one child, then ten dollars a month for each additional child, the whole not to exceed sixty dollars a month to any one family. This relief applies only to children under fourteen years of age, except in cases where the child is ill or incapacitated from work, in which event the relief may be extended until the child has reached sixteen years.

The surviving wife or husband has the same rights in the estate, being one-third of all lands owned. If there are no surviving children or near kindred the surviving wife or husband is the heir of the entire estate. If there are no children and husband or wife die intestate, one-third of the estate in real property goes to the survivor and one-third of the personal property.

Women are prohibited from working in any mechanical or mercantile establishment, factory, laundry, hotel, restaurant, telegraph office, express or transportation company, or in any public institution for more than ten hours a day.

Minors between fourteen and sixteen must have school certificates if they work.

Minors and females are prohibited from working in saloons or in places dangerous morally or physically, and minors are prohibited from distributing literature in which there occur stories of lust and crime or criminal news.

Illinois has many laws for the protection of women who work in factories, mercantile establishments or other places and many legal rules and restrictions as to fire prevention, seats, time for meals, etc.

There is an inheritance tax on property passing to

husband, wife, descendants, brother, sister, son-in-law, daughter-in-law of one per cent on amounts from \$20,000 to \$100,000, and above \$100,000, two per cent.

A female of sixteen may contract a valid marriage with the consent of her parents, and at eighteen without parental consent.

Divorce will be granted on proof of adultery, desertion of two years, habitual drunkenness of two years and cruelty. The law provides that divorced must not re-marry within one year from the decree of divorce.

The age of consent is sixteen years and the penalty for rape is from one year to life imprisonment.

The Woman's Protective Association, of Chicago, which was organized by Nellie Carlin, a leading woman lawyer, and the first woman appointed Public Guardian of Cook County, resulted from the work of the Public Defender's League for Girls, an organization of women lawyers which gave their service to the Municipal courts in cases of women offenders who had not the means to employ counsel. Prominent club women who saw the need of giving "first aid" to women offenders rallied to the support of the Association and it quickly became an institution of Chicago. These organizations affiliated as organized bodies: The Law and Order League, Chicago Woman's Club, Chicago Woman's Aid, Chicago Political Equality League, Golden Rod Club, Illinois Woman's Democratic League, Women's Fellowship Club, Virginia Colony Club, Welfare League, Englewood Woman's Club and the Every Wednesday Club. This meant the enlisting of practically every clubwoman in Chicago.

The Association found much work ready for its hand in giving friendly counsel, protection and aid to women

who appeared daily in the Courts under various charges. One of the reforms secured by the Association was the summoning into court, instead of the arrest, of women who were to be tried by the Morals Court. A further reform was suggested by Judge Fisher, of the Morals Court by keeping the names of first offenders from the records and hearing their cases in chambers in the presence of interested parties only, thereby sparing them the humiliation of publicity and preventing their exploitation by professional bondsmen.

Judge Joseph Uhlink, who presided in the Morals Court for two years, was much averse to the fining of women offenders, believing that a woman who came into his court, and whose earning capacity was five or six dollars was not a subject for punishment. He declared that to fine a woman for immorality, and to send her out without any means of obtaining employment, to again become the prey of evil associations, was not the kind of money the community wanted, and while on the bench he refused to do this.

Chief Justice Olsen, speaking from his long experience, said: "If fifty per cent of the women engaged in prostitution are feeble-minded and are obeying the impulses which they cannot control, and for which they are in no way responsible, then logically they have committed no crime and should not receive the punishment meted out to criminals. Fines do not cure enfeebled minds, nor do jail sentences improve the mental capacity of the hereditarily mental defective."

"The Woman's Protective Association," declared Miss Carlin, "decided that provision should be made by the city for a Shelter Home, or Farm Colony, where women, mentally defective, could be sent for treatment

and reformation. It is an absolute necessity," said Miss Carlin, "for the protection of society and for the protection of the fifty per cent whose fifty per cent mentality is not strong enough to resist evil influence."

Miss Carlin launched a campaign for the establishment of a Farm Colony within the city limits where women offenders could be sent for an indeterminate period and there taught such useful occupations as sewing, gardening, domestic science, etc. An auxiliary of a dairy and a municipal laundry to serve all municipal institutions. Where the girls and women were paid an amount which would be reasonable compensation above their keep when released they would not be penniless and the healthy effort would be beneficial mentally and physically. They would re-enter the community without showing the stamp of recent incarceration and with some chance at self-respect there would be less chance of a return as an offender.

In the Presidential election of 1916 the Democratic party elected as one of its electors Catherine Waugh McCulloch, a woman lawyer.

Speaking of the women voters of Illinois Mrs. McCulloch said: "They said women would not care to vote, but in the first election in Chicago in which women had the right to vote, 250,000 exercised that right. In the Presidential election of 1916, 875,000 women voted. The charge had been made that ignorant women would control the elections, but I noted that the more ignorant the woman the less she wanted to vote. In the Chicago election of 1916 there was no crime, no disorder, no blood spilling and none of the things which had characterized other Chicago elections and made them infamous. The election commissioners said the election

was the quietest in the history of the city. In fact, it was safer for the women to go to the polls than to stay at home. Then, about the charge of divorce cases growing out of elections: Not a single case of the kind is on record. As to the husband controlling the vote of the wife, let me say it cannot be done."

IDAHO

Idaho regards marriage as a partnership and from the time of the contract all property acquired is common property, except that the earnings of the wife for her personal services accrue to her separate estate and the husband has no control of such earnings. The husband, as the head of the community has the entire control and management of the community property, but he has no control of the rents and revenues emanating from the separate estate of the wife. The husband cannot sell, mortgage or otherwise hypothecate the community property without the written consent of his wife. Upon the death of either the survivor is entitled to a settlement of the community with the right to his or her one-half—the other half descending according to testamentary disposition, or, if the husband or wife die intestate, to the children. If there are no children then the whole estate passes to the husband or wife surviving.

Residence of six months entitles the citizen of Idaho to sue for divorce and a decree will be granted for adultery, cruelty, desertion of one year, failure to provide, habitual drunkenness and insanity.

Idaho requires females to have attained eighteen

years of age before permitting them to enter the contract of marriage with or without parental consent.

There is an inheritance tax on property passing to husband, wife, lineal descendant or ancestors on amounts in excess of \$10,000 of one per cent, and the same taxation is fixed on estates passing to brother or sister, their descendants, son-in-law or daughter-in-law, with an allowance of exemption of \$2,000.

Children under fourteen are prohibited from working in certain places and during school hours, or in places dangerous morally or physically.

Seats must be provided for women in mercantile establishments.

Idaho has a Mother's Pension law which vests jurisdiction of destitute children in the Probate Judge. It provides for the payment of ten dollars a month to the mother of each orphan whose father is dead, confined in an insane asylum or penitentiary and the child is destitute and the mother is found to be a person best fitted to care for the child or children. The mother must be a resident for not less than two years of the county to which she applies.

The guardianship of children is due father and mother equally and the earning of minors is also due both parents.

The penalty for rape is imprisonment from five years to life.

Idaho gives women equal suffrage and it is a Prohibition State.

INDIANA

In the State of Indiana a married woman holds her real and personal property and all of the income therefrom derived, as her separate property, free from liability for the debts of her husband, but she cannot sell, mortgage, or otherwise hypothecate her real estate unless her husband joins in the conveyance. A married woman in Indiana may dispose of her personal property as she desires and without the consent of her husband. A married woman may conduct business in Indiana as a public merchant, and her husband cannot be held for her debts, contracts or liabilities arising therefrom. Curtesy and dower are abolished. As against creditors a widow takes five hundred dollars in goods or money and one-third of the real estate in fee if it does not exceed ten thousand dollars, one-fourth if it does not exceed twenty thousand dollars, and one-fifth if it exceeds that amount. As against relatives she takes five hundred dollars in goods or money, one-third of the real estate if two or more children survive, and one-half if one child survives. If there are no children, but a parent survive, she takes the whole estate if under one thousand dollars, and if more than that, three-fourths. If neither children nor parents survive the widow takes the whole property after all debts are paid.

Married women are eligible for certain public offices.

Divorce will be granted upon proof of adultery, cruelty, abandonment for two years, habitual drunkenness and non-support for two years.

A female may contract marriage with the consent of parents at sixteen years and without the consent of parents at eighteen years.

Estates of less than ten thousand dollars are exempt from inheritance tax when passing to husband, wife, ascendants or descendants and there is a tax of one per cent from ten to twenty-five thousand dollars and a graduated scale of taxation above that amount.

Minors under fourteen are prohibited from working at gainful occupations except domestic service and farm work, except that minors between fourteen and sixteen may work at canning perishable fruits and vegetables between June and October. The eight-hour law applies to minors under sixteen years of age and night work is forbidden. Children between seven and sixteen must attend school a stipulated time.

Minors are prohibited from working in places dangerous to morals, life and limbs.

Seats must be provided in mercantile establishments for female employees.

In February, 1917, Indiana granted to women the suffrage in Presidential and local elections but the State Supreme Court declared the law unconstitutional the November following. Practically the same law was passed in Illinois to enfranchise the women in that State and it was twice taken before the Supreme Court and by judgment of that body sustained. The gist of the Illinois decision was "that the legislature had the right to create offices, and that therefore the legislature had the right to say who should vote for those offices, providing the designation did not conflict with the Constitution." The Constitution of Illinois and the Constitution of Indiana are much alike. However, the highest court of the State of Indiana refused to follow the precedent of the Illinois Supreme Court and the women

of Indiana were left by its decision to continue the fight for suffrage along different lines.

IOWA

A married woman is the absolute owner and mistress of all property, real and personal, acquired by descent, gift, or purchase, in the State of Iowa. She may manage, dispose of and devise her property without the consent of her husband. Neither the husband nor the wife is liable for the contracts of each other made before or after marriage, and the wife is entitled to sue for and hold as her separate property damages for personal injuries. If the husband abandons the wife and he has property, by presentation of the facts to the court, an order may be secured to encumber the property for the support and maintenance of the home and the education of the children. Each may constitute the other an attorney in fact. The earnings of the wife go to her separate estate and the married woman may make contracts the same as the male or single woman, but the husband is not liable for the contracts made by his wife for her business or separate benefit. The legitimate expense of the conjugal home is chargeable to the wife and the husband alike, and they may be sued jointly and separately. Dower and curtesy are abolished. The surviving husband or wife is entitled to one-third in value of all real estate owned by the other during the time of the marriage. The homestead is deemed the property of husband and wife equally and neither can be made to leave it by the other.

Minors under fourteen are forbidden to work in

mines, factories and mercantile establishments, in places of danger, or in distributing messages.

Minors under sixteen are forbidden to work in places dangerous to morals, life and limbs and provision must be made for females under twenty-one to have seats when working in factories, mills and mercantile establishments.

Children between seven and sixteen must attend school a prescribed time.

Women are prohibited from working where intoxicating liquor is sold or in positions requiring them to stand continuously.

Iowa passed a Mother's Pension law in 1913 under which the district and Superior Courts have jurisdiction of delinquent and neglected children. If, upon investigation it is found that children cannot be properly cared for at home, and the mother is found to be a proper guardian, an amount not to exceed two dollars a week will be paid to the mother for the maintenance of the child, but this payment ceases when the child reaches the age of fourteen.

The age of consent is fifteen years and the penalty for rape is imprisonment for not more than twenty-five years.

Iowa is a Prohibition State.

Divorce will be granted upon proof of adultery, desertion of two years, drunkenness, cruelty, consanguinity and insanity.

There is no inheritance tax on property passing to husband, wife, ascendants, or lineal descendants. To others than those specified there is an exemption of one thousand dollars and the tax on estates above that valuation is five per cent. If the property passes to a

non-resident of the State the tax is twenty per cent, an exception being made in favor of brothers and sisters, on whose inheritance a ten per cent tax is levied. }

KANSAS

In 1861 when Kansas was admitted to the Union there was written in her Constitution the following:

"The legislature shall provide for the rights of women in acquiring and possessing property, real, personal and mixed, separate and apart from her husband, and shall provide for their equal rights in the possession of their children."

The article of the Constitution quoted would indicate an intent on the part of the Kansas law-makers to secure to women unusual protection, but the promise was not fulfilled to an extent satisfactory to the women of the State. There occurred discrimination in personal and property rights which called for much agitation for redress. For instance: All property acquired during marriage is community property, owned equally by husband and wife. But, if the wife die first, and she leaves children, there is no provision made by the law for a settlement of the community to enable the children to inherit the mother's share. So that if the husband remarries the second wife comes into the property acquired during the life of the marriage of her predecessor. Lila Day Munroe, a woman lawyer of Topeka, Kansas, discussing this phase of the Kansas law, says:

"The second wife is the absolute heir at law of the first wife, for the marriage contract under our Statutes passes the inchoate right in one-half of the husband's

property to his wife. Because of the fact that there is no provision under our Statutes to divide the property on the death of the wife all of the common property, no matter whence its source, if it is diverted from the wife's name and stands in the name of the husband, it still remains his to all intents and purposes, and it remains for him to say whether the children of the first marriage shall inherit or not. I have not yet found a case where he decided in favor of the children."

The property owned by the wife at the time of her marriage remains her own and is not liable for the debts of her husband, and she may contract at will in relation to such property and may sue and be sued the same as a sole. The married woman may carry on a trade or business and the earnings of a married woman are her separate property.

The Industrial Welfare Commission has made the following regulation:

"The State of Kansas declares that inadequate wages, long continued hours and unsanitary conditions of labor exercise a pernicious effect upon the health of women, learners and apprentices, and minors. That it shall be unlawful to employ women, apprentices and learners, and minors, in any industry at wages which are not adequate for their maintenance, and in more hours in any one day than is consonant with their health and welfare."

The above quoted ruling of the Commission went into effect as law in 1915 and it is considered by many as the culmination of the years of agitation, effort and argument of Mary Elizabeth Lease who launched a campaign to secure these reforms in the early '80's. She wakened the women of Kansas by her extraordinary

appeals, and her oratory rang and echoed throughout Kansas until minimum wage, an eight-hour labor day, and proper conditions for working women were secured.

The Industrial Welfare Commission declared seats must be provided for women in mercantile establishments and extended protection from fire and unsanitary conditions in mills, factories and all places where women were employed.

Kansas prohibits children under fourteen from working in mines or in connection with any factory, or workshop (not operated by the parents of said children), or in theatres or elevators. No woman or minor is allowed to work in any place dangerous to life, limbs or morals. Minors under fourteen are prohibited from working as acrobats, in gymnasiums, as circus riders, or in other exhibitions of a dangerous character, or as beggars or street musicians.

Minors between eight and fifteen are required to attend school.

The law provides that at least one member of the Industrial Commission shall be a woman.

Divorce will be granted for adultery, abandonment of one year, habitual drunkenness, fraud, cruelty, non-support and neglect of duty.

A female of fifteen can contract a valid marriage with the consent of parents and at eighteen without parental consent.

There is no inheritance tax on property which passes to husband, wife, ascendants or descendants, son-in-law or daughter-in-law. To brothers and sisters \$5,000 is exempt, and above that there is a graded rate commencing at three per cent from \$5,000 to \$25,000.

The widow is entitled to a homestead of 160 acres

of farm land, or one acre in town or city, free from the debts of the husband.

The father and mother are equally entitled to the guardianship of children.

Kansas has been an Equal Suffrage State since 1880 and is a Prohibition State.

Kansas has a Red Light and Abatement law and all immoral practise is punishable with fine and imprisonment.

The penalty for rape of a girl under eighteen is imprisonment for a term of from five to twenty-one years.

The penalty of death is not inflicted.

KENTUCKY

A married woman may acquire and own immovable property in her own right but she cannot mortgage or sell same without the consent of her husband. The rents, issues, and revenues of her real estate are under her control and she may sue for their collection. She may sell or otherwise dispose of her personal property as if sole. She may make contracts relative to her separate property or her business.

The surviving spouse is entitled to a life interest in one-third of the real estate and to one-half of all personal property.

Under the provision of the Labor Law passed in 1914 minors under fourteen are not permitted to work in any gainful employment and between fourteen and sixteen minors who are employed must show school certificates certifying to their attendance at school for at least one hundred days in the preceding year and that

such minor could read and write the English language. Minors under sixteen are prohibited from working in places dangerous to health, life, limbs or morals. Minors under eighteen are prohibited from cleaning machinery while in motion. Females under twenty-one are prohibited from working where they are required to stand continuously. Nor shall any female under twenty-one be employed for more than sixty hours in a week or more than ten hours in a day. Seats must be provided for women in mercantile establishments.

The father and mother have equal rights in the custody and guardianship of children.

The age of consent is sixteen and the penalty for the rape of a female under twelve years of age is death. The "Unwritten Law," enforced by Judge Lynch, is very generally upheld in the State of Kentucky for the crime of rape in order to save the woman from further humiliation as a witness against her assailant.

Divorce will be granted after separation of five years, desertion of one year, ungovernable temper, fraud or duress in obtaining marriage, and conviction of a felony.

There is exemption from inheritance tax on estates not exceeding \$10,000 which pass to husband, wife, or minor child, and \$5,000 is exempt to ancestors and lineal descendants. From \$10,000 to \$25,000 the tax is one per cent.

If the husband abandon his wife without making sufficient provision for her support, or become insane, or be imprisoned, she may be empowered to convey her real estate without her husband's authority.

The property of a wife is not responsible for a contract after marriage, to answer for the debts or de-

fault of her husband or another unless such contract carry with it a mortgage, but her property is liable for her own debts. She may dispose of her personal property in her own name as if sole.

LOUISIANA

The State of Louisiana has laws which are especially interesting as they relate to married women because such laws are based on the Code Napoleon, and differ from every other State. The Civil Code of Louisiana declares: "Marriage is a contract of partnership," and it establishes a community of acquets and gains. Because there is established the absolute right, as the co-partner of the surviving husband or wife to one-half of the community property, which half cannot be devised or bequeathed away from such survivor, and because the children of the marriage are the "forced heirs," and as such cannot be disinherited, there are good laws in Louisiana. From the moment the contract of marriage is entered into by a woman everything acquired by the partnership so established goes into the community, and if the wife survive her husband she takes by right the one-half of the partnership assets acquired during the existence of the marriage and of the remaining half the husband could dispose by will of but one-third, his children, the "forced heirs" inheriting from him all but the disposable portion. The law provides, in lieu of the widow's one-half, an exception. If the estate left on the death of her husband is encumbered with debt, she may claim as a prior lien, one thousand dollars, free of all liens and debts, from the estate, and if she makes such claim she forfeits

her widow's right to the half of whatever remains when the debts are paid. This thousand-dollar provision for the widow proved in some instances a hardship to small farmers, and others of small means, when mortgage loans were sought, as always, before any other claim the widow's thousand dollars, free of all encumbrance, liens or debts, took precedence.

While the protection of property rights under the community law seemed far reaching, during the existence of the marital relation further provisions of the Code divested married women of almost all civil right. The sentiment pervading the Code is "protection" for women and minors, hence from the moment of marriage the husband is responsible for his wife and directs and manages her affairs and only when death dissolves the contract does the woman, under the Louisiana law, derive any special benefit from her estate or that of the community. Article 2404 of the Code says:

"The husband is the head and master of the partnership of the community of gains; he administers its effects, disposes of the revenues, and may alienate them by onerous title without the permission of the wife."

Article 24 says:

"Laws, on account of the difference of sexes have established between men and women essential differences with respect to their civil, social and political rights."

Article 1782 says:

"All persons have the capacity to contract except those whose incapacity is especially declared by law: these are persons of insane mind, those who are interdicted, minors and married women."

Prior to 1912 if a married woman was deserted by her husband, and for reasons best known to herself, re-

frained from seeking a separation from bed and board or divorce, all property acquired by her during the abandonment belonged to the community (unless there was a separation of property evidenced by an ante-nuptial agreement). Should the husband conclude to return to the abandoned spouse he could lay claim to all of the property acquired during the abandonment. If it was movable property he could sell it and give a good and valid title without consulting the wife, even though she was ignorant of the fact that he had reappeared. If it was real estate she was unable to sell it without obtaining his consent, and one-half of the proceeds of the sale would have belonged to him. During the regular session of the General Assembly in 1912 Martin H. Manion, a lawyer member from the Parish of Orleans, introduced Bill No. 321, which became Act 170, and it amended Article 2334 of the Civil Code relating to this matter and reading into that Article the following:

"The property of married persons is divided into separate and common property.

"Separate property is that which either party brings into the marriage, or acquired during the marriage with separate funds, or by inheritance or donation made to him or her particularly.

"The earnings of the wife when living apart from her husband, although not separated by judgment of court, her earnings when carrying on a business, trade, occupation, or industry separate from her husband, actions for damages resulting from offenses or quasi-offenses, and the property purchased with all funds derived, are her separate property.

"Common property is that which is acquired by the husband and wife during marriage in any manner dif-

ferent from that above declared. But when the title to community property stands in the name of the wife it cannot be mortgaged or sold by the husband without her written authority and consent."

But a married woman cannot mortgage her property without the consent not only of her husband but of the court of her domicile. The court places her under oath and enquires the use she intends devoting the money, if it develops she purposes to lend it to her husband to pay his separate debts, or to assist him in his business, the court refuses authority. It must appear that the married woman intends to use the money for her own use and the benefit of her separate paraphernal estate. This law, it has been frequently contended by lawyers, provokes perjury. Mr. Manion introduced a Bill in the Assembly which would have done away with this law but it was voted down. On the subject Mr. Manion said:

"I wanted to amend the law to dispense with the authority of the court. It appears to me a disgrace to the womanhood of this State, that, no matter how intelligent and notwithstanding she may have acquired the property owned by her, if married, prior to her marriage through her individual effort, it is necessary she should petition the court and state under oath that the money is for her individual use and administration, and then, with hand raised to God, tell the court that the money is for her use and not for that of her husband. The thought is repulsive to me. It is difficult for me to believe that such a law could have remained upon the Statute Books, making a woman of my race, no matter how intelligent, because of her marriage, unable to do with her own property, acquired by her through use of her

talents, what the most ignorant negro man is freely admitted to do."

The amendment secured by Mr. Manion whereby the earnings of the wife and the funds from any business she might conduct, or from damages, went to the separate estate and not to the community was a long stride toward fair consideration, and in July, 1916, the following Act made the separate property of the married woman free from the obligation to secure the consent of the husband to its sale and administration. It reads:

"That a married woman of the State of Louisiana shall be competent to contract and bind and obligate herself personally and with reference to her separate paraphernal property, and to appear in court and sue and be sued in the same extent and in the same manner as if she were *femme sole*; provided that nothing herein contained shall be construed to affect in any way the Statute of this State establishing and regulating the matrimonial community of acquets and gains and prescribing what shall be the separate property of the spouses."

The surviving wife or husband has the use or usufruct of the community property for life, and if either dies intestate, and there are no children, nor father, nor mother, he, or she, takes all of the community property. The parents are "forced heirs" the same as children and cannot be disinherited. Likewise the parents are entitled to support from their children, and the law has been invoked on many occasions in the Louisiana courts to force children to provide maintenance for needy parents.

Louisiana permits women taxpayers to vote on cer-

tain matters relative to civic improvements which affect their property interest.

The City of New Orleans, which is the entire Parish of Orleans, had for more than twenty-five years what was known as "The Red Light District," the boundaries of which were established by a city ordinance known as The Storey Ordinance. There vice stalked unrebuked. Not only unrebuked, but licensed and under the supervision of the Board of Health. Having set apart a certain section of the city with well established boundary lines, wherein disreputable houses were permitted, New Orleans was most jealous of the remainder of her domicile. It was clean from one Parish line to the other, save for that one dark spot from which the community turned its face, in daylight, and knew but surreptitiously. Within the Red Light District, or Storeyville, were mansions, and hovels of one room, the first conducted in princely fashion, the latter being the other extreme housed for a night only if able to pay the rent in the morning. Perhaps the most remarkable circumstance of Storeyville was the fact that one boundary line was the street but one block away from Canal Street, the principal thoroughfare of New Orleans. The line of demarcation was clean cut, however. While there reached the decent passers-by on the beautiful boulevard of the city's great highway stray sounds of drunken laughter, discordant music now and then and the flash of lights from the little city of Pariahs, not one inch outside the dividing line were the denizens of Storeyville permitted to stray. Shady rooming houses, hotels with lax rules, immoral dens masquerading under the names of "masseur parlors" and "clubs," were not tolerated. The respectable householder was not suspicious of his neighbor,

nor was he fearful for his wife and daughter for he knew the never faltering police surveillance which continuously removed and sequestered vice within the limits of Storeyville. Still it was an open question, whether the garnering of a city's vice within certain boundaries, there to regulate, and curb and health certificate, was a thing for the good of a city or whether the flaunting of conscienceless vice, the public toleration of the dregs of immorality, the shielding of one class at the expense of another, was quite right or respectable or civilized. The question was taken up by the leading women's clubs and the most progressive women of New Orleans and by every effort and influence they endeavored to have that dark spot wiped from New Orleans. The effort was met by the argument that vice corralled within certain limitations curtailed and repressed the activities of the worst element and thus served as a protection to the rest of the city. Thus year after year the fight went on by the good women of New Orleans who sought to have the city relieved of her widely advertised "Storeyville." Then there was established along the Parish line a great encampment of Uncle Sam's soldiers. The United States takes no chances. There is the distinct, clean-cut Federal law which says there shall not be maintained a disorderly house within five miles of a soldier's encampment. The vile excrecence of Storeyville was within the lines drawn by the government round its soldiers, and there wasn't any argument from the good women of New Orleans any longer necessary. The City Council, knowing the Federal knife would raze the disreputable section of the city, hurriedly repealed the Storey Ordinance and the denizens of Storeyville were made to fold their tents, and if they did not "silently" steal away, at least they

vanished from the view of their old haunts. A later investigation of the moral conditions surrounding the encampment near New Orleans showed the same high standard of moral cleanliness which had been established in and about every army camp. Incidentally the moral clean-up forced the quick repeal of the most questionable and disputed City Ordinance which was ever written in the New Orleans laws.

There is not a tramp who ever passed within the city limits of New Orleans who has not heard and does not remember another of the City Ordinances of New Orleans, it is her famous 5046, under which is gathered the general "police power." That blanket ordinance covers everything not for the good and safety of the city. From Get-rich-quick-Wallingfords to the frowniest, hungriest visitor from nowhere, with "no visible means of support" 5046 gathers in. If there is an individual or a condition needing police attention but without a specific law covering the case, the policeman stalks right in with the certainty always of his warrant in 5046, it covers all the sins and crimes and offenses, clears the highways of loiterers and the by-ways of dangerous and suspicious characters, and, under the provisions of this ordinance, once the Storey Ordinance was repealed, the denizens of Storeyville had to find a place outside the reach of 5046 or find employment in the Workhouse.

The age of consent is eighteen years and the penalty for rape of a female of less than twelve years is death. Within twenty-five years two white men paid that penalty in New Orleans.

The preference in guardianship is given the father and where both parents are deceased, to the paternal grandfather. Under this law there have been some

tragic cases in New Orleans. An instance was that of a maternal grandmother who assumed the care of her daughter's child when the mother died at its birth. The father soon after also died. The maternal grandmother cared for the boy until he was ten years old and was deeply devoted to him, the child's mother having been her only child. Then the paternal grandfather, who lived in Chicago, and who had never seen the child, instituted suit in the courts of New Orleans for the custody of his grandchild. The court had no option and could take cognizance only of the fact that the paternal grandfather was legally entitled to the child and so ordered. The child had to be forcibly taken from his grandmother and he was removed to the distant city where the old lady was never able to see him again.

Cases of individual hardship must continuously arise from the laws in their enforcement.

In 1914 Louisiana passed a compulsory education law. The record of the State as having the largest percentage of illiteracy was due to the negro population, notoriously ignorant. With a population in New Orleans alone of 89,262 negroes out of a total population of 339,075 the impression gained from the mere recordation of the rate of illiteracy in Louisiana is erroneous. It is a fact that Louisiana's negro population, or so much of it as comes under the head of minors, needs the heavy hand of the law to enforce education.

Louisiana has long had a factory inspector, Miss Jean Gordon, of New Orleans, to whose effort was due the passage of the Bill giving factory inspection and much relief incidental. Miss Gordon was named inspector when the law went into effect and was one of the first women in the country to hold such a position.

Minors under fourteen are forbidden to work at gainful occupations. Exception however is made to agricultural employment. Minors under eighteen, and women, are prohibited from working more than ten hours in each day, exception being made to employees in stores on Saturday nights and for a period of twenty days before Christmas. Girls less than eighteen and boys less than sixteen are prohibited from working at night except in stores on Saturdays nights and for a period of twenty days before Christmas.

Seats must be provided for women in mercantile establishments.

Men are prohibited from living upon the earnings of their wives or children, and if convicted of this offense they are sentenced as vagrants.

In cities outside New Orleans, with a population of more than 25,000, children between eight and fourteen must attend school continuously for at least four months of each year, provided there are separate schools for the races open for so long a period, otherwise it will be sufficient to send such minors to school during the public school term.

In the Parish of Orleans minors between eight and fourteen, and between fourteen and sixteen, unless employed, must attend school through the school term.

Not only is the consent of the husband necessary to the contracts of the wife, but a married woman cannot sue in the courts of Louisiana unless her husband joins or authorizes the action. *Le regime de communaute*. The husband, as head of the community, exercises supreme authority. Once the nuptial partnership is formed the husband controls generally the movable and the immovable property, the fruits, revenues and income

thereof, whether it is in possession or in action. The property acquired during the nuptial partnership, which is the common property, is liable for the debts of the parties existing at the time of the marriage, the debts contracted by the husband during the community, or by the wife with the consent of her husband. Testamentary disposition of husband or wife cannot exceed the disposable portion permitted by law. The property belongs equally to the surviving spouse, and to the forced heirs of the deceased, in equal parts, if he or she die intestate. The division in equal moieties is due after the payment of all debts chargeable to the estate.

When married persons in States which do not have the law of community remove to Louisiana, their property acquired while they are in the State is subject to the rule of Louisiana nuptial partnership. Marriage being a contract *sui generis*, the obligations which arise out of it must be regulated by the public laws of the State where the parties are domiciled.

Divorce will be granted in Louisiana for adultery, attempt upon the life of one spouse by the other, and for conviction of a felony. A separation from bed and board will be granted for desertion, non-support, cruelty, and other causes. If, within twelve months from the decree of separation there has been no reconciliation between the parties, upon a motion setting forth the fact, the court will make the decree one of final divorce. In all actions for divorce or separation if personal service is not had on the defendant the court appoints a lawyer to represent the rights of the absentee.

MAINE

A married woman has the sole control of her separate property in Maine, such separate property consisting of whatever she possessed before marriage or she became possessed of after marriage, unless purchased with her husband's money or coming from him so as to defend him from his creditors. She cannot convey property which she acquired through her husband, or his relations, unless he joins in the conveyance. She may engage in trade as a public merchant and her property is liable for her contracts, but the property of her husband is not liable for such contracts unless he profited thereby or joined in the obligation. The survivor is entitled to one-third of the real estate, except wild lands, if there are children, and if there is no issue, then to one-half.

Minors under fourteen are prohibited from working in mills, factories and mercantile establishments, or at any gainful occupation during school hours. Minors under sixteen being so employed must produce a school certificate showing they can read and write simple English sentences. Minors under sixteen are prohibited from working in places dangerous to life, limbs and morals.

Seats must be provided for women working in mercantile establishments, hotels, restaurants, etc.

The guardianship of children is due equally to the mother and father.

The age of consent is sixteen and the penalty for rape of a girl of less than fourteen is imprisonment within the discretion of the court, over fourteen and less than sixteen imprisonment for not less than two years and a fine of not less than \$500.

Maine provides that upon the presentation of a petition signed by twenty legal voters any building used for immoral purposes shall be closed by order of court. Such use of a building is described as a nuisance and the only regulation prescribed is its abatement.

Divorce will be granted for adultery, cruelty, desertion of three years, habitual drunkenness and non-support.

There is an inheritance tax on property passing to husband, wife, ancestor, descendant, son-in-law, daughter-in-law, of one per cent on amounts up to \$50,000, and \$10,000 is exempt to husband, wife and minor child.

MARYLAND

The real and personal property of a married woman in Maryland, whether acquired before or after marriage, is her separate property and is not liable for the debts of her husband. Conveyances from husband to wife, however, in an effort to defraud creditors, will not be held valid. The personal earnings of the wife, and the income therefrom, are and remain her separate property, under her sole control. She may engage in business as a public merchant, make contracts, sue and be sued like a single woman. If she is more than eighteen she may sell, mortgage or otherwise hypothecate her property without the consent of her husband; if less than eighteen, however, the husband must join to authorize her. She may insure her husband's life for her benefit free from any claim by legal representatives or creditors.

If husband or wife die intestate and there are neither ascendants or descendants, the surviving spouse takes all of the estate, and if there are such surviving relatives

the wife or husband is entitled to one-third of the personal property and estate for life in one-third of all lands.

Minors less than fourteen are prohibited from service as telegraph messengers and between fourteen and sixteen minors are prohibited from service as messengers between 8 p. m. and 8. a. m., and they are forbidden to call for or deliver messages to houses of questionable character. In cities of more than 20,000 persons minors under eighteen are prohibited from service as messengers or distributing goods after 10 p. m. and before 6 a. m. Children under fourteen are prohibited from working in mills, factories, workshops, mechanical establishments, tenement house factories, offices, restaurants, bakeries, barber shops, hotels, apartment houses, bootblack stands, stables, garages, laundries, brick and lumber yards, in the construction or repair of buildings, and children under twelve years of age are prohibited from working in canneries, packing establishments, offices, boarding houses, places of amusement, or in the sale or distribution of merchandise. Minors under fourteen who work must have school certificates and they cannot work during school sessions. Under sixteen there are laws prohibiting work in dangerous places. Minors are prohibited from working in saloons. Between the age of eight and fourteen years minors must attend school not less than four months in each year.

Females are prohibited from working more than ten hours a day or sixty hours in a week in manufacturing, mechanical, mercantile, printing establishments, or bakeries, and laundering establishments. They are prohibited from working more than eight hours a night but exception is made to this regulation where females are

engaged in factories where perishable fruit and vegetables are canned.

Minors less than sixteen are prohibited from working more than ten hours a day in any factory, or in any mercantile establishment in Baltimore. Nor can minors less than sixteen be employed where intoxicating liquors are sold, bottled or in any way handled.

Seats must be provided for women in mercantile establishments.

By the Mother's Pension Act passed in 1916 relief is granted in the discretion, and after investigation of the County Commissioners, except in Baltimore, where there is a Mothers' Relief Board, on which women have representation. Where the mother of indigent children is found to be a proper person relief will be allowed to the extent of twelve dollars a month for one child, or, if there are more than one, then ten dollars a month for each additional child, the entire allowance not to exceed forty dollars a month. The mother must have resided in the county for at least three years to claim the relief.

The custody and guardianship of children is given preferably to the father, but the mother has the same right as the father to appoint a guardian by will or testament.

The age of consent is fourteen and the penalty for rape is imprisonment for life.

Divorce will be granted for adultery, abandonment for three years, and the proven unchastity of the wife before marriage.

There is no inheritance tax on property passing to husband, wife, or lineal descendants.

MASSACHUSETTS

Married women retain control of all real and personal property owned at the time of marriage in Massachusetts; it is separate property and may be sold, mortgaged, or otherwise hypothecated, except, the statutory rights of the husband cannot be disregarded unless he signs the deed with his wife when the property is sold. The earnings of the married woman go to her separate estate. Husband and wife are not allowed to convey property to each other, except that the wife may acquire by gift from her husband as her separate property articles of personal use and adornment to a value of not more than two thousand dollars, provided such gift is not in fraud of creditors. The married woman may sue and be sued as a sole. If a married woman carries on a business as a public merchant she must file in the clerk's office of the town or city in which the business is to be carried on, a certificate setting forth her name and that of her husband, and the place and nature of the business. Without such recorded certificate the property of the married woman involved in her business may be attached for the debts of her husband, and the husband will be liable with the wife for contracts made in the conduct of the business, hence, if the wife does not record the required certificate of declaration of her separate business, the husband may do so for her in his own protection.

The rights of the surviving wife and husband are practically the same. The widow is entitled to dower as at common law and the husband is entitled to curtesy of the income of one-third of the wife's real estate for life whether there is issue or not. Dower or curtesy must

be claimed within one year, and if so claimed is given preference over all other creditors.

Because Massachusetts has more than eighteen thousand females of more than sixteen years, and more than twenty thousand children of less than sixteen years of age at work in mills, factories, and other manufacturing plants, there has been a multitude of laws passed for their protection.

Minors of less than eighteen are not allowed to work where liquor is sold or handled in any way.

There is a nine hour day law for women and minors of less than eighteen and they are prohibited from working between 10 p. m. and 6 a. m. in any manufacturing plant. Minors of less than fourteen are prohibited from wage-earning labor and between fourteen and sixteen they must produce school certificates if they are permitted to work.

Seats and hours for meals for women are compulsory and no woman is permitted to work for two weeks before and four weeks after child birth.

Women and minors under eighteen are prohibited from working in places dangerous to life, limbs and morals.

Children between seven and sixteen must attend school during the regular school session.

By an Act passed in 1912 there was created a Minimum Wage Commission which provides that one member shall be a woman, and this commission regulates the wages of women and minors.

Since 1913 Massachusetts has had a Mother's Pension Law which gives jurisdiction of applicants for its benefits to the Overseer of the Poor of each county. After investigation if the mother is found to be a person

best fitted to care for her children the State will allow a sufficient amount of money monthly to enable the woman to rear and educate her children. The woman must have resided in the State not less than three years to claim the benefit of the pension and the relief is not granted until every effort has been exhausted to force relatives to make the necessary provision.

The separate estate of a married woman is liable for the necessities supplied herself and her family to the amount of two thousand dollars.

The guardianship of children is deemed equally to the father and mother, or to the surviving parent.

The age of consent is sixteen and the maximum penalty for rape is imprisonment for life.

Massachusetts has a Red Light and Abatement Law.

MICHIGAN

The married woman in the State of Michigan holds as her separate estate all real and personal property of which she was possessed at the time of her marriage, and she can sell or mortgage it as if a *femme sole*. She may bequeath her separate property by will. She may make contracts with regard to her separate property, or her separate business, but she cannot bind her separate estate by becoming surety for her husband or a third person. Her personal earnings go to her separate estate, and remain in her entire control.

Michigan requires that a woman shall have attained the age of twenty-one years before she can make a valid business contract, but she is permitted to make the contract of marriage at sixteen years.

Divorce will be granted for adultery, desertion for two years, habitual drunkenness, cruelty and non-support.

There is an inheritance tax of one per cent on property passing to husband, wife, ascendants or lineal descendants on amounts above two thousand dollars, except to the widow who is allowed an exemption of five thousand dollars. To others the tax is five per cent and the exemption one hundred dollars.

If the husband die intestate the widow is allowed personal property not to exceed two hundred dollars, and the remainder of the personal estate is divided between the widow in the proportion of one-third, and two-thirds to children, if there are more than one, or one-half to the widow and one-half to the child where there is but one. The widow is entitled to one-third of the real estate if there are children, one-half if there are no children, and all if there are neither children or close kin. The husband cannot divest the wife by will of her right to use the homestead and one-third of all lands for life, and the husband has a life estate in all lands owned by the wife at the time of her death provided there are no children by a previous marriage.

There is a nine hour labor day law for women and minors of less than eighteen years, except that the law does not apply to canneries for the preserving of perishable fruit and vegetables.

Work is prohibited minors between 10 p. m. and 6 a. m., and minors of less than twenty-one are prohibited from working in places dangerous to life, limbs and morals.

There must be seats furnished for female employees in all mercantile establishments and factories.

Women are prohibited from selling liquor or to work in places where intoxicating liquors are sold.

Michigan has the provision of a Truant Officer whose duty it is to investigate the reason for the non-attendance of children at school during the school session. If it is found the child does not attend school because the family is unable to provide the child with necessary support, upon the report of the Truant Officer the School Board will pay to the family of the child not less than three dollars nor more than six dollars per week for the children of any one family. Investigation of the schools of every large city discloses the fact that there are many children so poorly nourished as to be unfit for study—in some cases the home poverty being such as to preclude the possibility of the child attending school, as, for instance, where shoes and the most necessary clothing cannot be provided. The Truant Officer provided by Michigan law furnishes the means of finding where children are in greatest need, and the remedy is provided by the fund payable to the family.

Michigan is unique in its Mother's Pension Law, in that it provides a pension not only for the children of wedded parents, but also for illegitimate children, furnishing aid to the indigent mother until the child reaches the age of seventeen years. Since 1913 widows, women deserted by their husbands, or divorced, or who are too poor to properly provide for their children but who are fit guardians, are pensioned to the extent of not more than three dollars a week for each child. Judges of Probate and the Circuit Courts have jurisdiction of such cases.

The guardianship of children is given preferably to

the father, and if the mother survive the father the guardianship passes to her.

There is a graduated punishment for rape dependent on the age of the girl. Under ten years the punishment is life imprisonment, between ten and fourteen the penalty is from seven to thirty years, and between thirteen and eighteen years the maximum penalty is seven years in the penitentiary, or, a minimum penalty of one year in the County jail.

Michigan has been a Prohibition State since 1916.

In 1917 Michigan gave to women suffrage in Presidential elections.

The Legislature appoints a special commission to investigate the wages of women and a living wage must be paid.

MINNESOTA

The property owned by a woman at her marriage, or subsequently acquired by her, remains her separate property in Minnesota, is not liable for the debts of her husband, and is entirely under her own control. Both the separate property of the wife and the property of the husband, as well as the common property is liable for necessities furnished the family whether contracted for by the husband or the wife. She may contract and be contracted with as if a sole but she is not permitted to alienate her homestead unless the deed shows the joining and consent of the husband.

The surviving husband or wife is entitled to the use of the homestead for life, and in fee if there are no children.

The married woman must be authorized by her husband to sue and stand in judgment.

The whole of the real and personal property goes to the surviving spouse if there is no will, and one-third goes by right to the survivor, and cannot be diverted by will.

Minnesota does not permit children under fourteen to be employed in dangerous occupations nor during school sessions, and between fourteen and sixteen minors may work at gainful occupations if provided with school certificates, but for not more than forty-eight hours in a week, or more than eight hours a day, or between 7 p.m. and 7 a.m.

Minors, male and female, are prohibited from working or going in places where intoxicating liquors are sold.

There is an Industrial Commission which fixes a minimum wage for women and minors.

There must be seats provided for women who work in mercantile establishments, factories, hotels, restaurants, and other places of business. They are not permitted to work more than ten hours a day in such places nor more than nine hours a day in telephone or telegraph offices, and women are prohibited from working as oilers or cleaners of moving machinery.

Minors under eighteen are prohibited from working in places dangerous to limbs and morals, or between 6 p.m. and 7 a.m.

There is special provision in the laws of Minnesota for the punishment of any person who shall cruelly or unlawfully punish a child under sixteen years of age, and on conviction the offender is punished for a misdemeanor.

The father and mother are deemed equally entitled

and responsible for the guardianship, care and custody of their children, and upon the death of either the survivor succeeds to the duty.

With parental consent a girl of fifteen may contract marriage, and without parental consent at eighteen years of age.

Among other grounds for which divorce will be granted are desertion of one year, habitual drunkenness for one year, cruelty and conviction of a felony.

There is an inheritance tax on property passing to wife or lineal descendants on amounts of less than \$15,000 of one per cent, to husband, parents, ancestors, adopted children, or issue thereof, one and one-half per cent; to brother, sister, or their descendants, son-in-law or daughter-in-law, three per cent, to uncles, aunts, or their descendants, four per cent, and to others more remote, five per cent.

MISSISSIPPI

Section 2517, of the Code of 1906, totally abrogates the Common Law disabilities of coverture, and reads:

"Every woman now married or hereafter to be married, shall have the same capacity to acquire, hold, manage, control, use, enjoy and dispose of all property real and personal, in possession, or expectancy, and to make any contract in reference to it, and to bind herself personally, and to sue and be sued with all the right and liabilities incident thereto, as if she were not married."

And the principles above enunciated have been sustained in the case of *Verner vs. Verner*, 62 Miss. p. 260, which held further that "This section does not deprive a woman of her right to alimony."

Dower and curtesy are abolished by Section 2519, of the Code of 1906, and the wife takes a part of the husband's real estate and personal property where the husband dies intestate; if there are no children the survivor takes the whole estate.

The Homestead exemptions under the Code of 1906 are:

"Every citizen of the State, male or female, being a householder, and having a family, shall be entitled to hold exempt from seizure and sale under execution or attachment the land and buildings owned and occupied as a residence by him or her, but the quantity of land shall not exceed one hundred and sixty acres, nor the value thereof, inclusive of improvements, save as hereinafter provided, the sum of three thousand dollars."

The foregoing is the exemption of country homesteads and the following is the exemption in cities, towns and villages: "There shall be exempt from seizure and sale under execution or attachment the land and buildings owned and occupied as a residence by such person not to exceed in value \$3,000 and personal property to be selected by him not to exceed in value \$250.00, or articles specified as exempt by the head of the family."

It has been held that the term "householder" is intended to mean "one residing on the property, or if removed therefrom by necessity intent must be shown to return within a reasonable time." Miss Sarah Buchanan, a young woman lawyer of Booneville, Mississippi, declared the accepted definition of the term "head of the family" to be "A husband or widow supporting a minor child or children."

The Acts of 1916, Chapter 225, provide that if the widow or widower of over sixty years have been ex-

emptionists under the above Statute they shall not be deprived of such exemption because of not having a family or occupying the homestead. This amends Sec. 2146 and 2147 of the Code of 1906 quoted.

The wife must join in the conveyance of the homestead if the husband sells, and if the wife is the grantor then the husband must join. However, the requirement that the husband join in the conveyance of property relates only to the homestead.

Section 2520 of the Code of 1906 declares the liability of the husband to his wife for all property taken over and used by him, together with the income and profits therefrom for one year after receipt of same.

Chapter 61 of the Code of 1906 deals fully and adequately with the matter of Guardians and Wards, therein testamentary guardians are defined and their qualifications provided for. Sec. 2403 provides for the appointment of guardians by the Chancery Court where parents have not made appointment. Preference is given to the natural guardians in all cases, or the next of kin, unless the applicant be manifestly unsuitable for the discharge of the duties. A minor over the age of fourteen years may select his or her own guardian by application to the court. If a guardian, other than the natural guardian, is selected by the minor, and the court deems the natural guardian more suitable in that particular case, he has the power to appoint the natural guardian.

Mississippi intends to be especially solicitous with regard to the interest of minors and the statutes are very rigid regarding guardianship and the performance of the duties attached thereto as shown by the 1906 Code from Sec. 2404 to 2444, inclusive.

A valid marriage may be contracted by a girl of eigh-

teen years, but under that age a female must have the parent or guardian's consent given personally before the clerk of the court of the county who issues the license.

Section 1673 of the Code annuls the paramount right of the father to the custody of the children in divorce proceedings. The award of the custody of the children is now left to the discretion of the court, which is governed by existing circumstances.

Acts of 1916, Chap. 227, amends Sections 3582 to 3586, inclusive of the Annotated Code of 1906, providing for the apprenticeship of pauper children. The new law authorizes the Board of Supervisors to place pauper children in the care of an orphan asylum or organization for the care of homeless and dependent children, whereas they were formerly consigned to the county poor house. Under the later law children of seven years and over are not allowed to be retained in the poor house, if the child is in good health. They may be apprenticed, under discretion of the Board, upon hearing.

Section 5055 (*k*), and the same section (*m*), provide respectively for classing as vagrants "Every person who shall abandon his family without cause, leaving her or them without support, or in danger of becoming a public charge, and, all persons who are able to work and who do not work, but hire out their minor children or allow them to be hired out, and live upon their wages, are vagrants." Punishment for vagrancy is, upon conviction, "not less than ten nor more than thirty days imprisonment," unless bond be given with sufficient security, in the sum of not less than \$201.00, for the future industry and good conduct of such person for one year from date of such bond.

Common prostitutes and keepers of houses of prostitution are also classed under this head.

There is no tax on inheritance.

The Acts of the legislature of 1914 fix the "age of consent" at eighteen years. This amends the former law. Sec. 1358, Code of 1906, applies also to the amended Acts of 1908, Chapter 171. The fine for rape under this Act is \$500, maximum, or imprisonment for not less than six months, or both, or by imprisonment in the penitentiary not exceeding five years. The age of consent, prior to 1906 was fourteen years. Under the age of twelve the punishment is death.

No girl under twelve years nor boy under fourteen may be employed in any cotton mill or knitting mill in the State.

No boy under twelve nor girl under sixteen may be employed in any cotton or knitting mill over eight hours a day or forty-eight hours in a week.

No person, firm, corporation, etc., is permitted to work any female in laundry, millinery, dressmaking, store, office, mercantile establishment, theatre, telegraph or telephone office, or any other occupation not here enumerated more than ten hours a day or sixty hours a week, except in case of emergency or public necessity.

There was no wage limit for women up to the year 1917.

Chapter 100 of the legislature of 1916, provides for the creation of a commission for the removal of adult illiteracy in Mississippi, known as the Mississippi Illiteracy Commission, to be composed of five persons, men and women, and the State Superintendent of Education.

There is provision for the establishment and mainte-

nance of a State School for delinquent children, which term includes "any child less than eighteen years of age, residing or being at the time in the State of Mississippi, (a) Who violates any municipal ordinance or State law, etc., (b) Who is destitute or abandoned, or is in such an evil and immoral environment that such child is likely to develop criminal practises." Government of this institution is vested in five trustees appointed by the Governor, with advice of the Senate, on which women are eligible to appointment as trustees and to any other positions connected with the institution.

The State Librarian is provided for by the State Constitution of 1890, Sec. 106: "There shall be a State Librarian to be chosen by the Legislature on joint vote of the two houses, to serve four years, whose duties and compensation shall be fixed by law. Any woman, a resident of the State for four years, and who has attained the age of twenty years, shall be eligible."

This was the only elective office open to women in 1917 in the State of Mississippi. They could be notaries public and the professions were open to them.

Mississippi grants divorce for adultery, desertion of two years, consanguinity, cruelty, and insanity at the time of the marriage.

Mississippi is a Prohibition State.

MISSOURI

All real and personal property possessed by a married woman at the time of her marriage, or acquired by her by purchase, devise or bequest, together with the rents, revenues and issues of same remains the separate property

of the wife, and her earnings, and the proceeds from any business conducted by herself goes to her separate estate which is entirely free from the control of her husband. She may contract and be contracted with, sue and stand in judgment. This extensive recognition of the rights of married women is an evolution from the Married Woman's Act of 1875, which gave to the woman as her separate property, under her sole control, the personal property, including rights in action, belonging to her at the time of her marriage, or which might have come to her by gift during coverture, or by inheritance, or by purchase with her separate means, or from her separate labor or growing out of any violation of her personal rights, together with all income, increase and profit thereof. The amendment to the foregoing in 1883 gave her the right to sue in her own name for her personal property and rights in action. Sec. 6869 of the Revised Statutes of 1880 extended her separate control and ownership to her real estate and made her property subject to debts contracted by her before and during marriage. Section 6864 of the Revised Statutes of 1889 provides that a married woman shall be a *femme sole* so far as to enable her to carry on and transact business for her own account, to contract and be contracted with, to sue and be sued in law and equity with or without her husband being joined as a party. Miss Ethel Kynaston, a well-known woman lawyer of the Missouri Bar says: "The provisions of Section 6864 of the Revised Statutes of 1889 has brought about an interesting situation with regard to real estate held by married women in their own right. If a woman was married before 1889 and the property was acquired by her before that date, the husband alone has the right to sue for an injury to it,

or for the rents and profits, because the right of possession of such property, and the right to the rents and profits thereof, is vested in him. *Vanta vs. Johnson*, 170 Mo. p. 269, 250 Mo. p. 286.

Though the Married Woman's Act enabled a married woman to sue, the courts held that so far as the Statute of Limitations concern her right to sue, she is still under disability. That is, that these Statutes do not begin to run against her rights of action until after the death of her husband, or the severance of the marriage relation. *Lindell Real Estate Co.* 142 Mo. p. 61. The same peculiar situation prevails with regard to the right of a married woman to act as administratrix. A statute expressly prohibits her from so doing. Since the passage of the Married Woman's Act there seems to be no reason for the existence of such a law.

There has been legislation regarding the parent's custody of children, which changes the Common Law right of the husband to the custody and earnings of the child. Laws of 1913, p. 91, entitled "An Act to give married women equal rights with their husbands as to the custody and control of the persons of their minor children, their wages and earnings and the management of their estates, making the wife liable for the support of her children to the extent of their earnings, qualifying a married woman to act as guardian or curator of a minor child, etc." One phase of this statute was passed on in the case of *Meredith vs. Krauthoff*, 177 South-western Reporter, p. 1112. There the question of a minor child arose and the court said that "Aside from giving the mother as a married woman the right to act as guardian of her child, and removing the Common Law preference for the father in the matter of its custody,

thereby putting the parents on an equality in that respect, it is not seen that the statute makes any change in the existing law." It would seem that the court was speaking only from the standpoint of custody—meaning that the child's welfare remains the important question, just as it was at Common Law and that that question is still left to the court to decide. As the statute gives the father and mother a joint right to the custody and earnings, it follows that the father and mother both be required to join in suing for the loss of the services of a minor child, and in all similar actions.

The frequent legislation enlarging women's rights in Missouri, the tendency of the courts to construe the common law, constitution and statute law, as not disqualifying women unless they expressly do so in terms, signifies the steady progress of sentiment toward the entire equality of women in that State.

The age of consent in Missouri is eighteen years.

Divorce will be granted for adultery, habitual drunkenness of one year, abandonment for one year, vagrancy and indignities.

There is an inheritance tax of five per cent on property passing to others than husband, wife, adopted child, parents, and lineal descendants.

The surviving husband and wife has equal rights as to inheritance. The widow is entitled to life interest in one-third of all lands owned by her husband. If there are no children she is entitled to dower and one-half of the personal property after all debts are paid.

Minors of less than fourteen are forbidden to work at gainful occupations except in domestic or agricultural service.

Minors between fourteen and sixteen may work by

securing a school certificate, but for not more than forty-eight hours in a week, or eight hours a day.

Minors of less than sixteen are prohibited from working in places dangerous to life, limb and morals, and women are prohibited from working where intoxicating liquors are sold.

It is expressly forbidden women to work for more than nine hours a day in manufacturing, mechanical or mercantile establishments, factories, workshops, laundries, bakeries, restaurants, places of amusement, clerks, stenographers, in express companies and public institutions. The labor unions of Missouri fix the labor day at eight hours for its members (who are men). The laws enacted for the protection of women in that State would seem not to regard women as the weaker sex.

Missouri has a Mother's Pension Law which gives jurisdiction to the Juvenile Court of applicants for its benefits. St. Paul has a specific law in a city ordinance under which mothers are pensioned at the rate of three dollars and a half per week for each child. The State law provides for the partial maintenance of destitute widows, wives of prisoners, and those confined in the insane asylums who are mothers of children of less than fourteen and who are in indigent circumstances.

MONTANA

All property which belonged to the wife at the time of her marriage or which she acquired by inheritance, purchase, bequest or devise, remains her separate property and is not under the control of her husband nor is it liable for his debts.

The husband is deemed the head of the community and he is recognized as having the right to establish domicile, and to make all necessary contracts for the maintenance of the family for whose support he is liable; however, if the husband has not sufficient funds for the proper care of the family and the wife has a separate estate she is liable for as much of the maintenance as the husband is unable to provide. Beyond contracts for maintenance of the family the husband and wife are not liable for the debts of each other.

The husband is entitled to an inheritance of two-thirds of his wife's estate which interest cannot be diverted by will, and she is entitled to one-third of all lands owned by her husband.

The surviving husband or wife of an intestate spouse is entitled to one-half of the estate if there is one child, and one-third if there is more than one child. If there be no issue then the estate goes one-half to the surviving spouse and one-half to father, mother, and their descendants. If there are neither surviving parents or descendants of parents, the whole estate goes to the surviving spouse.

The custody of children is deemed due equally to father and mother, or the surviving parent.

In 1916, by referendum, Montana adopted constitutional prohibition.

The age of consent is eighteen years and the penalty for the crime of rape is from two to ninety-nine years imprisonment.

Divorce will be granted for adultery, habitual drunkenness, abandonment for one year and non-support, and Montana forbids the person adjudged guilty in a divorce

proceeding from re-marrying within three years, and the innocent party within two years.

There is an inheritance tax on property passing to husband, wife, father, mother, child, brother, sister, son-in-law and daughter-in-law of one per cent, with an exemption to the persons named of \$7500.

A girl of sixteen can contract marriage but she cannot make any other valid contract until she has attained her eighteenth year.

Montana has a Mother's Pension law which is wide in its scope and generous in its provisions. An allowance of ten dollars a month will be made for one child, seven dollars and a half for a second child, and two dollars and a half for each additional child.

Montana sent the first woman to Congress, having given a substantial majority in favor of Miss Jeanette Rankin, who became the first congresswoman to sit in the House of Representatives of the United States.

NEBRASKA

All property, real and personal, of a married woman owned by her at the time of her marriage, or acquired subsequently, except by donation from her husband, and all the rents and profits thereof, are her separate property and not under the control of her husband. She may contract with reference to her separate estate and convey it in sale. She may sue and stand in judgment and may carry on her separate business and her earnings go to her separate estate. She is not liable for her husband's debts. The husband cannot divest title to the homestead unless he is joined in the conveyance by his

wife, nor can he mortgage or otherwise hypothecate the homestead unless his wife gives her consent in writing.

Dower and curtesy are abolished.

In April, 1917, Nebraska gave to women the right of suffrage in Presidential and local elections.

The surviving husband or wife in Nebraska is entitled to the personal property to a value of two thousand dollars, but if there are no children or close kin the survivor is entitled to the whole estate. If there is one child the surviving spouse is entitled to one-half of all real estate, and if more than one child survives, to one-third.

Marriage emancipates a female minor at sixteen for the administration of her property, but the unmarried woman does not attain her majority or the right to control her property until she has attained her eighteenth year.

The father and mother are deemed equally entitled to the custody of children.

Nebraska has a Red Light and Abatement law.

The penalty for the rape of a girl of less than fifteen years is imprisonment from three to twenty years.

Divorce will be granted for adultery, habitual drunkenness of two years, abandonment for two years, imprisonment for three years, and cruelty.

NEVADA

All property of the wife, real and personal owned by her at marriage or acquired by gift, devise, bequest or descent remains her separate property, and the husband's property receives the same consideration of separate

ownership. All property acquired by either husband or wife after marriage, other than above, is common property. The wife may manage and control her separate property without the consent of her husband. The husband is deemed the head of the community, however, and so all the property which is common property is under his control and he may dispose of it the same as of his separate property, except that he may not dispose of the homestead by mortgage or sale unless the wife joins in the conveyance. At the death of either spouse the survivor takes all of the common property. Dower and curtesy are abolished. If the husband is unable to support himself, and it is shown that his wife has a separate estate, she is required to give him support. Married women may transact business as public merchants. The earnings of the wife belong to her exclusively. The husband is liable for the maintenance of the home and children unless it is shown that the wife is a public merchant and then she is equally liable for the support.

If a husband or wife die intestate then the separate property goes one-third to the surviving spouse and the remainder to the children: if there is but one child then one-half goes to the survivor, and if there are no children or parents or descendants, then the whole of the separate property goes to the surviving wife or husband. The common property is considered as belonging one-half to each, hence the survivor takes the half of the deceased unless there are children when they share with the surviving parent. If the estate is less than \$500 the whole goes to the surviving spouse without administration.

Women are of age at eighteen in Nevada. With the

consent of parents a girl may contract marriage at sixteen.

The age of consent is sixteen and the penalty for rape is imprisonment from five years to life.

There are few women engaged in manufacturing plants in Nevada but laws have been enacted for their protection.

Boys less than eighteen and girls less than sixteen are prohibited from working at any gainful occupation except farm work and domestic service for not more than forty-eight hours in a week or eight hours a day. Minors of less than eighteen are prohibited from working as messengers or in the delivery of goods and merchandise after ten at night and before five in the morning.

Children between eight and sixteen must attend school during the school sessions. Minors are prohibited from working in saloons or where intoxicating liquors are handled, and they are prohibited from working as beggars, in immoral places or in places dangerous to life and limbs.

Nevada has always made certain provision for indigent children, but by an amendment passed in 1915 the State provides a Mother's Pension and the distribution of funds and the investigation of cases is placed in the hands of the County Commissioners. The law provides for the support of women whose husbands are dead, or who are inmates of a penal institution or insane asylum, who are abandoned where such abandonment has continued for one year, where husbands are totally disabled, and when such women are unable to support their children. The allowance is fifteen dollars a month for one child of less than fifteen years of age, and a further allowance of five dollars for each additional child.

A residence of six months enables a man or woman to bring suit in Nevada for divorce and because the State is very liberal in its provision for the relief of unhappily married it has become the Mecca for those who would be unwed and who do not find in the State of their domicile an equally easy road to dissolution of the marriage contract. The residence of six months must be *bona fide*. The constructive residence secured as a renting of a house or office, the brief residence as a *quasi-agent* of something or other, then absence until the time of filing of suit, will not be allowed. The person who sues for divorce in Nevada must have actually lived within the State for six months, and if for any good reason absence for a brief period occurred during the time the reason therefor must be fully set up and it must be shown that the residence for six months was an actual making of home in the State of Nevada. The grounds for which divorce will be granted are cruelty, non-support, habitual drunkenness, abandonment for one year and conviction of a felony. The decree of divorce is immediately effective.

When the death penalty is given a criminal in Nevada he may choose hanging or shooting as the form of execution.

There is an inheritance tax on property passing to husband, wife, ascendants or descendants of one per cent, with an exemption of twenty thousand dollars to the widow or minor child, and an exemption of half that amount to others named. To brother, sister, nephew, niece or their descendants the tax is two per cent, with an exemption of ten thousand dollars. To uncles, aunts or their descendants the tax is three per cent and the exemption is five thousand dollars.

Nevada has equal suffrage, but neither prohibition nor local option nor any form of Red Light and Abatement law.

NEW HAMPSHIRE

The married woman in New Hampshire may hold, acquire and convey her real estate. Property owned by her at the time of her marriage remains her own and is in no way subject to the control of her husband. Property acquired by the wife after marriage and the proceeds from her earnings go to her separate estate. She may make contracts in her own name, make notes, buy goods and transact any business whatever as if she were sole, but she cannot contract directly with her husband nor become surety for him nor is she liable on any undertaking in his behalf. In case of desertion or when the husband is a spendthrift or insane or under guardianship the wife has all of the rights of a *femme sole*.

The surviving husband or wife and minor children are entitled to use of the homestead for life, such homestead not to exceed the value of \$500.

There is dower and curtesy as at Common Law. If the widow elects to release her dower she may take in lieu thereof one-third of all of her husband's estate if he leaves children, and if there are no children, then \$5,000 and one-half of the remainder. The husband may release his curtesy and take the same provision as that allowed the widow in lieu of dower.

Children under fourteen are prohibited from working in mills and factories, mercantile establishments and gainful occupations generally, and children under sixteen who work must have school certificates. Minors less than

sixteen are prohibited from working in places dangerous to life, limbs and morals.

Women are prohibited from working more than nine hours a day or fifty-four hours a week, and seats must be provided for female employees. Children between seven and fifteen must attend school.

New Hampshire's Mother's Pension law vests jurisdiction of indigent widows and orphans in the Department of Education. After investigation if a woman is found to be of good moral character and best fitted to care for her children, but unable to give them proper maintenance because of indigent circumstances, she will be allowed ten dollars a month for one child and five dollars a month for each additional child, the pension ceasing for each child as it attains sixteen years of age.

The guardianship and custody of children is due equally to the father and mother, and on the death of either to the survivor.

With the consent of parents a girl may marry at twelve years of age but she must be twenty-one years of age before she is permitted to make any other contract.

Divorce will be granted for adultery, cruelty, non-support for three years if the husband absents himself from the United States for three years with intent to become a citizen or subject of another country, if the wife remains without the State for ten years without communicating with the husband, and for marriage with a person who belongs to a sect which deems marriage unlawful.

The penalty for rape is imprisonment for not more than thirty years.

There is no inheritance tax on property passing to husband, wife, parents, lineal descendants, daughter-in-

law or son-in-law, and to all others there is a tax of five per cent.

NEW JERSEY

Property owned by a woman at the time of her marriage or acquired by her afterward by gift, devise, grant, descent or bequest, and the income derived therefrom, is her separate property, in no way subject to the control of her husband or liable for his debts. The earnings of a married woman belong to her separate estate, but the savings from the community belong equally to the husband and the wife. A married woman may bind herself on contract, sue and be sued, but she cannot be an accommodation endorser or surety, nor is she liable on any promise for the debt or default of another. She cannot encumber or convey real estate without her husband, but a married woman having power to convey as executrix, administratrix, trustee or guardian, may make a valid deed as such without her husband's signature.

The husband may make a will and dispose of his entire property without provision for his wife. The surviving husband or wife, if there is no will, has a life interest in one-third of the property, and if there are no relatives to the entire estate.

When a man refuses to support his wife, or fails to do so, and she lives separate from him, she may, on order of court, sell, mortgage or lease her lands and she may sue her husband in all matters relating to her separate property.

Minors less than fifteen are generally prohibited from working in any place dangerous to life, limbs and morals.

Minors less than eighteen are prohibited from work-

ing as beggars or to sing or play on musical instruments on the public streets.

Females are prohibited from working in manufacturing, or mercantile establishments, laundries, bakeries or restaurants for more than ten hours a day or sixty hours a week, provided that this shall not apply to any mercantile establishment for the six working days before December 25th.

Minors under sixteen are prohibited from working more than eight hours a day and are forbidden to clean machinery in motion. Children less than sixteen must have school certificates if they work at gainful occupations.

There must be seats provided for all female employees.

Children between seven and fourteen must attend school during the school sessions and between fourteen and sixteen they must attend school during the school sessions unless they are at work and have school certificates.

New Jersey under "a law to promote home life for dependent children" will pension mothers so that they may keep their children with them and give them the necessary care and education. Applicants for this relief must state in a petition to the Court of Common Pleas the full history of the mother, of her deceased husband, and of the children, and give the name and address of all relatives, together with a statement of her effort to maintain her children, and the detail of her life for the preceding five years. After investigation if it is found that the mother is a proper person, and that she cannot keep her children and they will become a public charge unless she has assistance, the State will allow a pension of nine dollars a month for one child, fourteen dollars

for two, and five dollars a month for each additional child. The State Board of Children's Guardians then takes charge of the case and at least six times a year the home is visited and a report is made of the conditions found.

The father is given preference in the guardianship of children and if the mother consent, he can, by will, appoint a guardian for the custody and care of the children after his death and until they will have reached the age of twenty-one years.

There is an inheritance tax on property in value of between five and fifty thousand dollars passing to husband, wife, child, or lineal descendants, of one per cent, and one and a half per cent on from fifty thousand to one hundred and fifty thousand dollars two per cent to two hundred and fifty thousand dollars and three per cent above that figure.

New Jersey has a Red Light and Abatement Law.

The penalty for the rape of a girl of less than twelve is a fine of \$5,000 and imprisonment at hard labor for not more than thirty years, or both; and for rape of a girl less than sixteen the penalty is a fine of two thousand dollars or imprisonment at hard labor for not more than fifteen years, or both.

The complainant in a divorce action in New Jersey who sets up reasons which occurred outside the State, must show that such grounds would have constituted a right to divorce in the State where such act occurred. Divorce will be granted for adultery, desertion for two years, and cruelty, and marriage may be annulled on proof of lack of legal age at the time the marriage was entered into or if one of the parties was idiotic or related within the degree of consanguinity.

NEW YORK

Both the real and personal property of a married woman owned by her at the time of her marriage, or subsequently acquired, remains her separate estate and is not liable for her husband's debts. She may engage in any trade or business and her husband has no control of her contracts with relation thereto and he cannot be held for her bargains. By Act of 1906 she may bring suit on torts without joining her husband. If a wife sustains injury she has a right to recover damages; but her husband also has the right to recover damages for any injury sustained by his wife. When a husband sustains injury he alone is entitled to recover damages. Sums recovered by the wife for injury to her person, property or character go to her separate estate.

A husband is responsible for the ante-nuptial debts of his wife to the extent only of the assets he received with her at the time of marriage.

A woman may make a will disposing of her personal property when she is sixteen years of age, but she cannot dispose of her real property by will until she has attained twenty-one years of age. A married woman may hold patents for her inventions and may vote on stock in her own name, and, with the consent of the insured, she may assign policies of insurance which are in her favor.

A widow is entitled to dower of one-third in all lands owned by her husband. The surviving husband is entitled to life interest in all lands owned by his wife. When there is no will the real property goes to father, mother and collateral relatives.

The Mother's Pension has proven probably the most beneficent law in the State of New York. In congested and over-populated Manhattan it has been shown that charity is the sixth largest business, that it keeps employed an army of experts and high salaried institutional employees. The actual cost of maintaining a child in an institution was three hundred dollars per annum, while one hundred dollars a year, when paid to a mother will enable her to keep the child at home.

There is a provision of the Mother's Pension Law of New York which limits relief to the children of American citizens. It follows that the huge foreign population shows many children driven by necessity to become wards of the State in charitable institutions.

By Act of 1915 there was established local Child Welfare Commissions to investigate applicants for the pension and to see that beneficiaries remain worthy of the trust and aid. Any widow of an American citizen who is unable to care for her children, or any American woman who, having married an alien, is restored to her American citizenship after the death of her husband and who is shown to be mentally, physically and morally the best custodian for her children, and who has resided in the State, County and City for not less than two years preceding her application, will be allowed an amount necessary to support her child or children less than sixteen years of age.

There is compulsory education for children between seven and fourteen years of age and children between fourteen and sixteen who are not employed must attend school during the school sessions. Children between fourteen and sixteen who work must file school certificates showing attendance of not less than 130 days in the pre-

ceding year, physical fitness, and an ability to read and write simple English. Children of less than fourteen are prohibited from working in any factory, and between fourteen and sixteen if employed it must be during the day as night work is prohibited.

Women are prohibited from working in factories more than nine hours a day regularly, and female minors are prohibited from working after nine o'clock at night.

Women of more than eighteen may be employed in canneries between June and October as much as ten hours a day or sixty hours a week, and this time may be extended by the Industrial Board to twelve hours a day or sixty hours a week, if the industry requires and the health of the employee permits.

Children of less than sixteen are prohibited from working in places dangerous to life, limbs and morals, among dangerous chemicals, in distilleries, breweries, or where alcoholic liquors are manufactured or packed.

Children less than sixteen are prohibited from running elevators and girls less than sixteen are prohibited from work which requires continuous standing.

Women are prohibited from working in any manufactory, workshop or mercantile establishment within four weeks after the birth of a child.

Children less than sixteen are prohibited from working in mines and quarries.

Seats must be provided for female employees.

No woman or girl, or minor less than eighteen, will be allowed to sell or serve liquors for consumption on the premises.

Children less than sixteen are prohibited from working in any indecent or immoral occupation, or where there is danger to life and limbs.

The age of consent is eighteen years and the punishment for rape is imprisonment for not more than ten years.

New York has a Red Light, Injunction and Abatement Law which provides for the closing as a nuisance any building used for immoral purposes, lewdness, assignation or prostitution, and any domestic corporation for the suppression of vice may bring suit for an injunction.

Section 16 of the New York Domestic Relations Law requires that if a man is less than twenty-one and a woman less than eighteen the written consent of parents must be shown the officer whose duty it is to issue licenses to marry. Section 7 of the same law provides that marriage is voidable by either party when the contract was made when either was less than eighteen years of age.

Divorce will be granted for but one reason—adultery. But a separation may be had on application to the courts which will provide for separate domicile, alimony and the custody of children, such judgment of separation will be granted for cruelty, desertion and non-support.

There is an inheritance tax on property valued at from \$5,000 to \$25,000 passing to husband, wife or child, of one per cent.

In April, 1917, there was passed a law regulating the hours when women would be permitted to work in restaurants, a nine-hour day being the time established.

In 1907 there was organized the Women's Night Court in New York City where women were tried at night for offenses against morality. The court became one of the "sights" of New York, and for that reason there was a definite effort made to abolish it in 1914

which was unsuccessful. Justice McAdoo said of the matter:

"This court continues to attract great numbers of people, not only here but throughout the country and foreign lands. It is the only court in the world held exclusively for women and for certain offenses."

November 6th, 1917, New York State, by an overwhelming majority, endorsed the proposed amendment to the Constitution to grant to women equal suffrage.

The guardianship of the children of divorced parents is left to the discretion of the court, and may be given either parent by the tribunal granting the decree.

NORTH CAROLINA

All property, real and personal, owned by a woman at the time of her marriage, or subsequently acquired in North Carolina, remains her separate estate, and is not liable for the debts of her husband. The revenues from her separate property and her earnings go to her separate estate, but a married woman cannot make a contract without the consent of her husband except for actual necessities of life, for which he is liable. If the wife is abandoned by her husband she may contract and bind her separate estate without his consent and she may insure the life of her husband for her benefit if the premium does not exceed three hundred dollars.

The husband living with his wife is liable with his wife, jointly, for her torts.

The husband, if there has been issue born alive, is entitled to an estate as tenant by curtesy for life in all real estate owned by her, unless it is shown that he maliciously turned her out of doors or abandoned her.

The widow is entitled to dower of one-third of the husband's real estate, including the home, and an allowance for the support of herself and children for one year out of his estate.

If the husband die intestate the real estate goes to his lineal descendants or to the next collateral relatives and only if there is no heir does the widow take the estate.

Children less than twelve years of age are prohibited from working in mines, mills or factories and children between twelve and thirteen can only be so employed if they have certificates showing school attendance of four months in the preceding year and are apprenticed. Minors less than sixteen are prohibited from working after 9 p.m.

Women and minors are prohibited from working more than ten hours a day. Children between eight and twelve must attend school.

Seats must be provided for women employees.

North Carolina has no Mother's Pension Law and no Minimum Wage Law. There are no adequate protective laws for the army of nearly forty thousand women and children who labor within her boundaries in mills, factories and mercantile establishments, and the State passed an Act for the restriction of vice to apply to but one county, the County of Guilford, reading: "An act to prevent the degrading of public morals in the County of Guilford."

A girl may marry, with consent of her parents, at fourteen years of age. Residence of two years is required for the institution of divorce proceedings and divorce will be granted for husband and wife living apart for ten years and having no issue, for physical incapacity

and when the wife was pregnant by other than the husband at time of marriage, and for adultery.

The penalty for rape of a girl of less than ten years is death and between ten and fourteen (if previously chaste) fine and imprisonment in the discretion of the court.

North Carolina is a prohibition State.

NORTH DAKOTA

A married woman may own in her own right real and personal property and she may manage, sell, convey and devise her estate as freely as though unmarried. She may make contracts, sue and be sued on her obligations. Husband and wife have no interest in the property of each other and they are not answerable for each other's acts. The earnings of the wife belong to her and are not liable for the debts of her husband and are in no way subject to his control. But the husband is deemed the head of the family in the selection and maintenance of the conjugal dwelling; he is responsible for the support of his wife and children, and they must abide by his provision. However, if the husband becomes infirm and unable to support the family or himself then the wife becomes liable for the support of the conjugal abode and she must maintain her husband out of her separate estate.

The homestead goes to the surviving husband or wife. The same law of inheritance applies to husband or wife. If either die intestate the survivor is entitled to one-half of the estate if there is but one child, and to one-third if there are more children; if there are no children all

of the estate to the value of \$15,000 goes to the survivor and any excess is divided between the survivor and the parents, and if there are no parents the survivor takes all.

Children under fourteen years of age are prohibited from working during the school session and if children between fourteen and sixteen are employed they must file with their employers an employment certificate. Minors less than sixteen are prohibited from working more than eight hours a day or after seven o'clock at night, to work with dangerous machinery, or where acids are employed, in elevators or in any other place dangerous to life, limbs or morals. Female minors less than sixteen may not be employed where they will be required to stand continuously. Any employer who compels women or minors less than fourteen to work more than ten hours a day is guilty of a misdemeanor and can be prosecuted for same.

North Dakota has a Mother's Pension Law which provides aid to mothers for children less than fourteen. Jurisdiction is given the County Courts and when a destitute mother is found to be a person fitted to care for her children, if she has lived in the county a year she will be allowed fifteen dollars a month for each child.

The father is deemed the legal guardian and is entitled to the care, custody and earnings of all his minor children. The mother succeeds the father in the duties, rights and obligations of guardianship if she survives her husband.

The penalty for rape of a girl of less than sixteen years is imprisonment for not less than five years, and between sixteen and eighteen the penalty is imprisonment from one to fifteen years.

Among other grounds for which North Dakota grants divorce are abandonment for one year, habitual drunk-

eness for one year, cruelty, neglect for one year and conviction of a felony.

North Dakota is a Prohibition State.

There is a Red Light Injunction and Abatement Law.

There is an inheritance tax on property above \$20,000 passing to husband, wife, father, mother or descendants, of one per cent to \$100,000.

To brother, sister, son-in-law and daughter-in-law, the exemption is \$500 and the tax of one per cent to \$100,000.

North Dakota does not inflict capital punishment and the extreme punishment of the law is imprisonment for life.

North Dakota granted suffrage to women in Presidential and local elections in 1917.

OHIO

All property, real and personal, belonging to a woman at her marriage, or acquired subsequently by conveyance, gift, devise or inheritance, or by purchase with her separate money, or from her personal labor, together with the income therefrom, is her separate property. The separate property of a married woman in Ohio is free from liability for the debts of her husband and is under her sole control. She may sue and be sued in her own name. A married woman whose husband deserts her or neglects to provide for her and his family, may, by application to the Court of Common Pleas, secure the care and control of the minor children and the right to convey real property, and when so deserted or neglected she may contract for the labor of herself and her minor children

and collect the earnings. But while the husband lives with his family he is deemed the head of the domicile and has full authority and he is liable for the support of himself, his wife and his minor children. A married woman in Ohio may manage her own property, may contract and be contracted with the same as if sole. The husband and wife may be partners in business or the wife may transact business on her own account as a public merchant.

If husband or wife dies intestate the survivor takes all the personal property, and if there are children the surviving husband or wife takes half of the first four hundred dollars and one-third of the remainder. If there are no children or lineal descendants the real estate passes to the surviving spouse in fee, unless the property was inherited from an ancestor in which event the surviving spouse has only an interest for life in the realty and it passes to the natural heirs. The widow is entitled to dower but curtesy is abolished.

The preference in guardianship is given to the father, then to the mother, if she survive him.

The penalty for rape of a girl less than twelve years of age is imprisonment for life, and between twelve and sixteen years the penalty is imprisonment from one to twenty years.

A girl may contract marriage at sixteen with her parents' consent and at eighteen without parental consent.

There are ten grounds for divorce, among others being, desertion for three years, cruelty, habitual drunkenness for three years, and conviction of a felony.

Ohio has a Mother's Pension Law providing for payment on a sliding scale, according to the number of children, to the worthy mother according to the facts and

conditions prevailing. The allowance is limited to fifteen dollars a month if there is but one child and not more than seven dollars a month each if there are other children. Ohio has, in addition, to the Mother's Pension Law, a provision for the aid of school children where they cannot receive the proper maintenance from their parents or relatives.

The Labor Law restricts the work of women over eighteen to not more than fifty-four hours in a week or ten hours a day. There are many Statutes providing for proper sanitary regulations and for the physical comfort of employees.

Minors between eight and fifteen must attend school during the school sessions. Between sixteen and eighteen minors may be employed only if they have school certificates. If the children are unable to supply themselves with necessary books and paraphernalia it will be provided by the Truant Officer and a further weekly allowance will be made, if necessary for support.

Minors of less than fourteen are prohibited from employment in gainful occupations of any kind, and boys between fourteen and sixteen will not be permitted to work more than eight hours a day and female minors are not permitted to work before seven in the morning or after six in the evening. Women are prohibited from working after ten in the evening and before six in the morning.

Women and minors are prohibited from working in places dangerous to life, limbs or morals.

There is an inheritance tax on property descending to others than husband, wife, child, lineal descendants and parents of five per cent above \$500, which is exempt.

OKLAHOMA

A married woman in Oklahoma may own, manage, sell or hypothecate, or devise both real and personal property acquired by gift, descent, or by purchase and make contracts, incur liabilities and do any and all of the things necessary and requisite to own or alienate property of any kind the same as if she were unmarried. Neither husband or wife has any interest in the property of the other but neither can be excluded from the other's dwelling. Husband and wife may contract with each other, respecting property, subject to the rules of law as to persons in confidential relations. Neither is answerable for the acts of the other. When the married woman lives separate and apart from her husband her earnings and those of her minor children go to her separate estate and her separate property is not liable for the debts of her husband, but when they are living together the husband is deemed the head of the conjugal home and has full authority as to its regulation, location, etc. If he is able to do so he must support his wife and family, but if he is not able then the separate property of the wife is liable for the obligation. If either husband or wife be absent from the marital domicile for more than one year the court may authorize the other to sell or mortgage the property of the absentee for the support of the family.

The surviving husband or wife has the right to the use of the homestead. Personal property, household furnishings and paraphernalia, books, etc., go to the surviving spouse.

If the husband dies intestate personal property to

the value of \$1,500 goes to the widow and minor children exclusive of any claims; if there be more than that value the excess goes one-half to the mother and the other half to one child, if there be more than one child then the widow takes one-third of the excess above \$1,500, and if there are no children the widow takes all.

In any event one-third of the property goes to the surviving wife or husband and cannot be diverted by will.

Boys less than sixteen, women and girls, are prohibited from working in mines and quarries.

Minors less than fourteen are prohibited from working in mills, factories and places injurious or dangerous to life, limbs and morals. Minors less than sixteen who work must file a school certificate.

Seats must be furnished to female employees.

The guardianship of children is deemed due equally to the father and mother and is left to the discretion of the court.

The penalty for rape of a girl less than fourteen years is death or life imprisonment, between fourteen and sixteen the penalty is imprisonment from one to three years.

A girl of fifteen may be married with the consent of parents. Oklahoma will grant divorce, among other reasons, for the following: Abandonment for one year, cruelty, habitual drunkenness and gross neglect.

There is an inheritance tax on property passing to a widow of one per cent above twenty-five thousand dollars, of one per cent above ten thousand dollars to each child and one per cent above five thousand dollars to brother, sister, son-in-law and daughter-in-law.

Oklahoma has had woman's suffrage since 1907.

OREGON

Married women in Oregon have the right to sell, manage, convey and devise their separate property which consists of all the estate owned at the time of marriage or acquired subsequently in any manner whatsoever. The separate property of the wife is not liable for the debts of the husband, but the property of both husband and wife is equally liable for the support and education of the children, and legitimate family expenses; neither being liable for the contracts of the other beyond this provision. Husband and wife are free to convey property to each other and to contract with each other.

By special Statute all civil disabilities have been removed from the married woman and she may be sued and appeal to the courts in her own name and right.

There is curtesy and dower of the right to the use for life of half of all lands owned by the deceased.

The surviving wife or husband is entitled to one-half of the personal property if there is a child and to all if there are no children.

The State of Oregon when it established the Industrial Welfare Commission in 1913 took a step in advance of Massachusetts and Nebraska in their Welfare Commission provisions. The intent is summarized in the preamble which reads: "Whereas the welfare of the State of Oregon requires that women and minors should be protected from conditions of labor which have a pernicious effect on their health and morals, and inadequate wages and unduly long hours and unsanitary conditions." There follows many regulations to control the sanitary conditions where women and minors are employed and

it is made unlawful to employ minors for unreasonably low wages. The commission is composed of three persons, one to represent the employers, one the employees and one the disinterested public, without salary, but their expenses are defrayed. The first commission had as one member a woman who acted as secretary. The duty of the commission is to investigate and declare proper standards and conditions of labor for women and minors, length of time of labor days, minimum wages (which means the wage on which these laborers can be maintained in health).

Under the Labor Law children of less than fourteen are prohibited from working during school sessions and minors less than sixteen must have school certificates if permitted to work at gainful occupations and they are not allowed to work at night.

Maximum hours for girls under eighteen: eight hours, twenty minutes a day; fifty hours a week in manufacturing or mercantile establishments, millinery, dressmaking, or hairdressing, shop, laundry, hotel, restaurant, telephone or telegraph establishment. Such girls not to be employed after 6 p.m.

Females in mercantile establishments (Portland) eight hours, twenty minutes per day, fifty hours a week; no work after 6 p.m. of any day.

Females in manufacturing establishments (Portland) nine hours a day, 56 hours a week. Office work (Portland) fifty-one hours a week.

No women to be employed in any industry in the State more than fifty-four hours a week.

Women may not be employed after 8.30 p.m. in any mercantile, manufacturing or laundry establishments.

The Mother's Pension Law, in effect since 1915, pro-

vides that every woman who has one or more children whose husband is dead, an inmate of a State institution or is incapacitated by reason of disease, physical or mental, and whose children are dependent upon her for support, is entitled to receive ten dollars a month if there is but one child, and seven dollars and a half for each additional child, if more than one, the whole not to exceed forty dollars a month. The woman must have been a resident of the State for three years and must be a woman morally and physically fit for the care and custody of her children.

Oregon has equal suffrage and has been a prohibition State since 1916.

Capital punishment is not inflicted and the extreme penalty is imprisonment for life.

There is a Red Light, Injunction and Abatement Law.

A girl of sixteen may contract legal marriage with the consent of her parents.

The custody and guardianship of children devolves equally upon the father and the mother and the earnings of minors are due and controlled by both. In the event of the death of either, then the survivor takes all rights of custody and control.

Marriage may be dissolved at the suit of the injured party for any of the following causes: Impotency, adultery, conviction of felony, habitual drunkenness, desertion of one year, and cruel and inhuman treatment.

The plaintiff must be a resident of the State at the time of commencing suit, and for one year prior thereto.

If defendant resides out of the State, and personal service of the summons cannot be made, service may be made by publication of the summons in a newspaper once a week for six weeks.

The court may order the husband to pay a sufficient sum of money to enable the wife to prosecute the suit, or defend it, as the case may be. The court may also provide for the care, custody and maintenance of minor children during the pendency of the suit, and for the freedom of the wife from the control of the husband pending suit.

The prevailing party in the suit is entitled to the undivided one-third of the whole of the real property owned by the other at the time of the decree.

There is an inheritance tax on property passing to husband, wife, parents, child, brother, sister, son-in-law, daughter-in-law and lineal descendants, of one per cent above five thousand dollars which is exempt.

Eleven States in which minimum labor wages had been established awaited a decision of the United States Supreme Court on a case taken there for decision from the State of Oregon, and in mid-April, 1917, the highest Tribunal affirmed the right of a State to regulate the wage of women laborers.

PENNSYLVANIA

Married women in Pennsylvania have the right to contract, hold, acquire and dispose of property, for all the disabilities of married women as to the acquisition and disposition of property, and the right to make contracts, hold, acquire and dispose of property, have been substantially removed, except that she cannot mortgage, lease or convey real estate unless her husband joins in the conveyance. Her deed or lease must be separately acknowledged. Property owned, or acquired after marriage, or

earned at any time by a married woman, is her separate property and it is not liable for the debts of her husband. She may carry on a business and make contracts with relation to same and sue and be sued in the conduct of such business or trade; she cannot, however, be an accommodation endorser or surety for another. She may sell and convey or dispose of at will her personal property without regard to her husband. The widow takes for life one-third, or, if there are no children surviving, one-half, of all real estate owned by her husband at his decease and she is entitled to dower in any estate owned by him during marriage, unless she released it or it was sold under execution. The husband is entitled to use of the wife's lands for life whether there are children or not. Husband and wife may sue each other for the recovery of or to protect the separate property of either.

If a husband fails to support his wife, or his children, if there are children, and the wife maintains herself and her children, she may petition the court to be permitted to carry on business for her support and upon securing such an order she is free in her right to acquire or dispose of property as if unmarried and at her death her husband has no rights in her property.

Children under fourteen are prohibited from engaging in gainful occupation and between fourteen and sixteen children must have a school certificate if employed and may not be hired in any place dangerous to life, limbs or morals.

When a married woman contributes to the support of her child or children she is entitled to equal custody, guardianship and the services of her child or children, and a mother who leaves an estate may appoint a guardian for her child or children who inherit such estate.

Pennsylvania reserves to each County the right to have a Mother's Pension provision, and if the county avails itself of it, then the State appoints a Board of Trustees to be composed of not less than five or more than seven women to carry out the regulations. This Board examines each applicant and if the destitute mother is worthy, and the best custodian of her children, she will be granted relief not to exceed twelve dollars a month for one child, twenty dollars for two children, twenty-six for three children and five dollars for each additional child, and payment ceases when the child reaches sixteen or secures employment.

Pennsylvania has a Red Light and Abatement Law.

The penalty for violation of a girl less than sixteen (if chaste) is a fine of not more than \$1,000 and imprisonment not exceeding fifteen years.

In Pennsylvania persons of either sex who have not attained twenty-one years may obtain a marriage license on the written consent of parents or guardians. If a promise of marriage is made by any minor the promise can be repudiated on the minor reaching twenty-one years of age.

Among the other grounds for divorce are desertion of two years, abuse, lunacy, relationship within the prohibited degree, felony and fraud.

Estates less than \$250 are exempt from inheritance tax and there is no tax on property passing to parents, husband, wife, children, lineal descendants, stepchildren, adopted children, wife or widow of son, and to all others five per cent.

RHODE ISLAND

A married woman in Rhode Island retains as her separate property whatever estate she was possessed of at the time of her marriage or subsequently acquired, and the product of her earnings. She may acquire and dispose of her property and control the rents, revenues and issues without regard to her husband, except as to his right of curtesy in her real estate. She may make valid contracts and dispose of her estate by will, subject only to her husband's right of curtesy. Her separate property is not liable for the expense of the family, or for the support of herself and children, except by her written order. A married woman coming from another State, whose husband has never lived with her in Rhode Island, after a year of continuous residence may transact business, make contracts, have the custody of her children, dispose of property and act in every way as a *femme sole*.

A widow is entitled to one-third interest in all lands owned by her husband during the marriage. If he dies intestate she is entitled to one-third of the personal property if there is issue and one-half if there are no children, and the Probate Court is empowered to award her, in addition to her dower of one-third, additional interest in the real estate if conditions warrant.

There is a compulsory education law for children between seven and fifteen years of age. Children of less than fourteen are not permitted to work and children between fourteen and sixteen must have a school certificate if they are employed and they are prohibited from working at night.

Minors are not allowed to work in places dangerous

to life, limbs or morals and women are prohibited from selling alcoholic beverages except in licensed taverns or victualling houses. The hours of labor are restricted to nine hours in a day or fifty-four hours in a week.

Rhode Island will grant divorce for desertion of five years, habitual drunkenness, non-support of one year or gross misbehavior.

Estates of less than five thousand dollars are exempt from inheritance tax.

Rhode Island does not inflict the death penalty, the extreme penalty for crime being life imprisonment.

Rhode Island granted women suffrage in 1917.

SOUTH CAROLINA

By the Constitution of the State of South Carolina, adopted in 1895, "the real and personal property of a woman held at the time of her marriage, or that she may thereafter acquire by gift, grant, inheritance, devise or otherwise, shall be her separate property, and she shall have all the right incident to the same to which an unmarried woman or man is entitled. She shall have the power to contract and be contracted with in the same manner as if she were unmarried." A husband is liable for the support of his wife and family, but he is not liable for other debts of his wife. A widow is entitled to one-third of her husband's real estate and children the remainder; if there are no children she is entitled to one-half and the remainder goes to parents or the descendants of his parents. If there survives no kindred she takes the whole estate.

Children less than twelve years of age are prohibited



from working in mines and factories. Children under fourteen are prohibited from working in too close proximity to dangerous machinery and when they are employed they must file with their employer a certificate setting forth name, birthplace, age and residence. Children less than sixteen are prohibited from working at night and their hours of labor are limited to sixty hours in a week or ten hours a day. The hours of work for women are limited to sixty hours in a week, not to exceed twelve hours in any day, and they are not allowed to work after ten o'clock at night.

South Carolina is a Prohibition State since 1916.

The labor laws for the protection of women and children compared unfavorably in 1917 with the protective measures of many other States.

The penalty for violation of a girl of less than ten years of age is death or imprisonment from five to forty years, and less than fourteen years the penalty is imprisonment for not more than fourteen years.

A girl of fourteen may contract a valid marriage with parents' consent.

South Carolina makes no provision for the divorcing of those who contract marriage. It is the only State where the laws make no mention of divorce.

There is no inheritance tax on estates.

Nowhere in the land is there more chivalry, finer old-fashioned standards of honor, probity and good demeanor, than in South Carolina, but there is a huge population of uneducated negroes to be considered and hence the problems of this State are many. Poor women who must labor to live, and destitute widows and orphans need protection, but they can get it only along with civilizing

education and a certain reorganization of a race which Time alone can produce.

SOUTH DAKOTA

A married woman may own in her own right in South Dakota real and personal property, and she may manage, sell, and convey and devise the same as freely as though she were unmarried, and she may contract and sue and be sued as if a *femme sole*. The property of the husband is not liable for the debts or torts of the wife nor is the property of the wife liable for the acts of her husband. But the securing of a wife in her property rights gives her no additional personal rights. The husband is deemed the head of the family and he alone selects the domicile and orders the mode of life, and the wife must conform to his dictum. The husband is liable for the support of his wife and family and if he does not make proper provision the wife may secure it, and the property of the husband will be held for the obligation.

The surviving husband or wife remains in possession of the homestead and all the furnishings of the home pass to him or her. If there is no will the survivor takes one-half of the estate, up to \$5,000, if there are no children; and one-third if there are children.

South Dakota is a Prohibition State since 1916 and has a Red Light and Abatement Law fashioned after the Iowa law on the subject.

South Dakota does not inflict the death penalty but makes life imprisonment the maximum sentence for crime.

There is a Mother's Pension Law which provides that

County Courts shall examine into the application of destitute widows who need support for their children and, by an amendment passed in 1915, the relief will also be granted to women whose husbands are divorced.

Children under fourteen are protected from mine working and under sixteen from labor in any place dangerous to life, limbs or morals. Ten hours is the limit allowed for a labor day and children under fourteen must have a school certificate if employed.

A girl of fifteen may contract marriage with the consent of her parents.

Divorce will be granted for desertion, neglect or habitual drunkenness for one year.

There is an inheritance tax on property not exceeding \$15,000 passing to wife or lineal descendant, of one per cent; to husband, ancestor, adopted child or its issue, one and a half per cent; to brother, sister or their descendants, and to son-in-law and daughter-in-law, three per cent; to uncles, aunts or their descendants, four per cent, and to all others five per cent.

TENNESSEE

In February, 1913, there was passed by the legislature of Tennessee an Act which removed the disabilities of married women. Prior to that a married woman could not control, acquire or alienate property after marriage without the consent of her husband, and the personal property of the wife, owned by her at marriage, after being reduced to possession by the husband, became his property and was subject to his debts, contracts and disposition as if his own. But in February, 1913, there was passed the following:

"Be it enacted by the General Assembly of the State of Tennessee, That married women be and are hereby fully emancipated from all disability on account of coverture, and the common law as to disabilities of married women and its effect on the rights of property of the wife, is totally abrogated, and marriage shall not impose any disability or incapacity on a woman as to the ownership, acquisition or disposition of property of any sort, or as to her capacity to make contracts and do all acts in reference to property which she could lawfully do if she were not married; but every woman now married, or hereafter to be married, shall have the same capacity to hold, acquire, manage, control, use, enjoy and dispose of all property, real and personal, in possession, and to make any contract in reference to it, and to bind herself personally, and to sue and be sued with all the rights and incidents thereof, as if she were not married."

A mother has not the right to appoint a testamentary guardian for her minor children but a father has the right to appoint a guardian for his children until they attain twenty-one years of age. The mother becomes the guardian only if the father is dead and has not provided by will or deed for the guardianship.

Tennessee has a Red Light law but a building used for immoral purposes can only be closed on the application of ten citizens and the county or district attorney concurring.

Tennessee is a Prohibition State since 1909.

A girl of twelve and a boy of fourteen may contract a legal marriage in Tennessee.

Divorce will be granted for desertion of two years, cruelty, habitual drunkenness and non-support.

There is no inheritance tax on property passing to

parents, husband, wife, child, or descendants, on amounts of less than five thousand dollars, and between five and twenty thousand the tax is one per cent; above that amount one and a half per cent.

A Mother's Pension law been in effect since 1915 which gives jurisdiction of dependent or neglected children to the Juvenile Courts. An allowance of ten dollars a month will be made for one child of sixteen or less, and five dollars a month for each additional child.

The general provisions of the labor law in effect prohibit children less than sixteen from working in places dangerous to life, limbs, or morals and women and children less than sixteen are prohibited from working more than ten and a half hours a day.

TEXAS

All property, real or personal, owned by a woman at her marriage, or subsequently acquired, remains her separate property, but she cannot dispose of or encumber her property unless her husband joins her or she is authorized by the court. The homestead is the joint property of husband and wife and can be disposed of only when both join in the deed. There is established by the marriage contract a community of interest and all property acquired during its existence is the property of both, except that a wife's earnings and compensation for injuries go to her separate estate.

The personal property located in Texas of a deceased husband or wife goes as follows: If there are children all personal community property descends to them, and the separate property goes one-third to the surviving

husband or wife and the remainder to the children, and if there are no children then all the community personal property goes to the surviving spouse. Children of half blood inherit half as much as children of whole blood and adopted children, if there are no other children, inherit the same as children of full blood, otherwise they inherit in the proportion of one-fourth. The foregoing is subject to the first lien of a widow to a thousand dollars a year for support and five hundred dollars in lieu of exempt personal property. The surviving husband or wife has control of the community property, and has one-third interest for life in all the real estate of the deceased spouse, and, if there are no children, all of the personal property. The father is deemed the natural guardian of his children and if the mother survive him she succeeds to the trust.

A girl of fourteen, with parents' consent, can contract marriage. Divorce will be granted among other reasons, for desertion of three years and for cruelty or excesses which render life together insupportable.

There is no inheritance tax on property passing to husband, wife, parents or descendants.

Women, not relatives of the owner, are prohibited from working in saloons. Children under fifteen are prohibited from working in factories or other places dangerous to life and limbs.

There is a law in Texas which punishes as vagrants parents who will not work, but who depend on their minor children to work and support them.

Children between eight and fourteen must attend school.

The hours of work for females employed in laundries are limited to eleven hours a day, in textile factories to

ten hours a day, and when employed more than nine hours extra pay must be given.

The marriage of a female minor gives her all the rights she would have if of age. Marriage agreements may be made before a notary and may be acknowledged by a minor, with parent or guardian's consent, and are unalterable after marriage.

UTAH

All property owned by husband or wife, acquired before or after marriage, is separate property and may be managed or disposed of without any marital restriction whatever. The expenses of the family and education of children is chargeable to the estate of both and neither husband nor wife are liable for the debts of the other. The wife alone can recover for personal injuries she may suffer and the husband is not liable for the torts of his wife.

If husband or wife die intestate all the estate goes one-half to the surviving spouse and the other half to the child; if more than one child then the spouse takes one-third and the children the remainder. If there are no children all the estate up to five thousand dollars in value goes to the surviving spouse, and one-half of the amount in excess of five thousand dollars goes to the survivor, and the other half to parents or descendants. In the event there are no parents or descendants the surviving spouse takes all.

The laws of Utah regulate wages of women and minors providing the minimum wage to unskilled minor workers shall not be less than seventy-five cents a day,,

and experienced adults not less than one dollar and twenty-five cents a day.

Minors under fourteen are prohibited from working in any mine or smelter or other place dangerous to life or limbs or morals.

The earnings of a minor cannot be held for any debt except for his own actual necessities of life.

Utah has a Red Light Injunction and Abatement law, and is an equal suffrage State. Utah has a Mothers' Pension law which gives to County Commissioners the power to apply for the relief of destitute mothers an appropriation of ten thousand dollars a year in counties of less than one hundred thousand population, and not to exceed twenty thousand dollars in counties where the population exceeds one hundred thousand. Ten dollars a month will be allowed for one child under fifteen years of age, and five dollars a month for each additional child; the requirement is that the mother shall be competent and best fitted for the custody of her children.

Utah has an individual Welfare Commission and the minimum wage of women and minors is fixed. The regulation surrounding working conditions, hours of labor and the age limit for employing minors is under control of the commission.

Among other grounds for which divorce will be granted are habitual drunkenness, permanent insanity, desertion of one year and conviction of a felony. A girl of fourteen may contract a valid marriage with the consent of her parents.

There is no inheritance tax on estates of less than ten thousand dollars, three per cent on amounts from ten to twenty-five thousand, and five per cent on amounts in excess of twenty-five thousand.

Utah gives a condemned criminal the choice of execution by hanging or shooting.

VIRGINIA

All real or personal property owned by a woman at her marriage, or which she may subsequently acquire, is her separate estate, not subject to the use, control or disposal of her husband or to liability for his debts. She may engage in trade and her husband is not liable for her torts, or her debts, or bargains, and the proceeds of her labor or earnings go to her separate estate. She may make contracts and sue and be sued thereon. If married after March 31, 1875, the husband is not liable for the ante-nuptial debts of his wife. If a husband wilfully deserts his wife and remains away from her until her death he loses all rights in her estate.

A widow is entitled to dower and a husband to curtesy. After the right of dower and curtesy the real estate passes to children and if there are no children to kindred of common great grandparents, and if there are none, then to the surviving spouse.

The father and mother are equally entitled to the guardianship of their children and to their services and earnings. The parents succeed to the estate of their children at their death.

Virginia is a prohibition State and has a Red Light Injunction and Abatement law.

The age of consent is fourteen years and the punishment for rape is imprisonment from five to twenty years.

Among other grounds for which divorce will be

granted are desertion of three years, insanity at marriage, fugitive from justice for two years, and conviction of a felony.

There is an inheritance tax on property in excess of fifteen thousand dollars up to fifty thousand dollars passing to husband, wife, child, descendant, brother or sister of one per cent, to others five per cent.

There is protection under labor laws for minors of less than sixteen from working in places dangerous to life, limbs and morals. Children less than sixteen are prohibited from working in mills, factories, workshops, mercantile establishments, etc., more than six days in the week, or for more than ten hours a day, but it is expressly stipulated that the children of parents who own factories, mills, etc., are exempt from this restriction, and likewise it does not apply to canneries between July and November. Women are prohibited from employment for more than ten hours a day.

VERMONT

The real estate of a married woman, the rents, issues and products thereof, and during coverture, her husband's interest in same, may be taken for debts created for the necessities for the family but cannot be levied upon for the sole debts of the husband; the real estate owned at marriage or subsequently acquired, being and remaining the separate estate of the wife. All personal property acquired by a married woman during coverture, or by inheritance, is held to her sole and separate use. She cannot, however, dispose of her real estate unless her husband joins in the deed. When husband and wife

are separated, however, she may be authorized by the court to dispose of her property without joining her husband.

The surviving wife or husband is entitled to one-third of the estate, and if there are no children the whole of the estate up to \$2500, and half of the excess; if there is no kindred, the whole estate goes to the surviving spouse. The preference is given the father in the guardianship of children, and if the mother survive, then the guardianship passes to her.

Minors less than sixteen may not be employed more than nine hours a day, or at night, and children less than fourteen are prohibited from working in mills, factories, etc. Females less than eighteen are not permitted to be employed where continuous standing is required. Children between eight and sixteen must attend school.

Vermont will grant divorce among other grounds for desertion or continued cruelty for a period of three years, non-support and when not heard from in seven years.

There is no inheritance tax on property passing to husband, wife, child or lineal descendants.

WEST VIRGINIA

West Virginia, like Louisiana, puts under the disability clause married women, minors, and persons of insane mind, but goes further than the Civil Code by adding also "persons in the penitentiary." There is also a specific discrimination against married women not "parents," in that the 48th Sec. of Art. 6, of the Constitution of West Virginia provides that: "Any husband, or parent, may hold a homestead of One Thousand

Dollars," and it also exempts from forced sale for judgment liens personal property to the amount of Two Hundred Dollars. If the husband does not claim this exemption the wife may do so, but she must be a "parent," as well as a wife, or she cannot claim the exemption. After the death of the husband the widow "parent," or minor children, may select personal property to the value of \$200 and hold the same exempt from the debts and liabilities chargeable to the estate.

The separate property of the married woman is not subject to the control of her husband but remains "in all respects as if she were a single woman, and is in no way subject to the control of her husband nor liable for his debts." But the married woman cannot sell and convey her real estate, unless she is living separate and apart from her husband, "unless her husband join with her in the conveyance." And if a married woman, living separate and apart from her husband, convey real estate, the deed must recite the fact of her separation and there must be an acknowledgment of such separation before an official authorized to receive it, and he must recite that he knows the property to be separate, and that he knows the wife is living apart from her husband.

The married woman living with her husband cannot mortgage or otherwise hypothecate her separate property unless her husband join and authorize her. Nor can she carry on a business as a public merchant or form a partnership without the specific consent of her husband.

Mrs. G. McIntyre Weaver, a woman lawyer of Berkeley Springs, West Virginia, says in relation to the disabilities of the married woman: "While she can carry on any business as a *femme sole* can, and her earnings are her sole and separate property free from the con-

trol of her husband, yet if she keeps boarders, does washing and kindred tasks in her home or does sewing to help out the family income, such earnings are the property of her husband and can be garnisheed for his debts."

In the case of *Humphrey vs. Spencer*, 36 West Virginia, p. 11, it was held: "A deed from a husband conveying property direct to his wife, though void at law and passing no title, is valid in equity to pass a substantial estate."

In *Cosner vs. McCune*, 40th West Virginia, 339, it was held: "Where a wife acquires real property direct from her husband she acquires only an equable estate, the legal title remaining in the husband as trustee of the estate. Where she acquires the property through a third person the Statute gives her the title to the estate."

Marriage of a female under the age of twenty-one does not make her *sui juris* and she cannot sue in proper person as can a married woman of over twenty-one.

Under twenty-one, a married woman desiring to sue for divorce must sue in her name by her *prochein ami*. Should she be sued a guardian *ad litem* must be appointed. If a minor of less than fourteen marries without the consent of parents or guardians her estate is placed in the hands of a receiver who administers it for her until she arrives at the age of twenty-one years. If the minor has a guardian appointed by a deceased father, such guardian has the full authority to give or withhold consent to the marriage of the minor, regardless of the mother. The father can appoint a guardian for his minor child or children though the mother be living. And the father, by the mere virtue of being the father, while he lives, is deemed by the law of West Virginia the proper guardian and custodian of the child

or children of his marriage, while the mother, if, under certain circumstances, given the guardianship and custody of the child, must be "a person fit for the trust." Hence it would appear that while West Virginia favors the married woman who is a "parent" in homestead rights and exemption of personal property, it stops at that. The Court declares in *Cunningham vs. Barnes*, 37 West Virginia, p. 346: "The welfare of the child is the polar star by which the discretion of the court must be guided."

Mrs. Weaver, in discussing the rights of parents, says: "While under the law the father is the sole arbiter of the destiny of his minor children and entitled to their care, custody and control, yet in cases where, as in the Roman Catholic Church there is a pre-nuptial contract agreeing the children shall be reared in that faith, the mother being Catholic, and the father later attempts to control the church which his children shall attend, other than the church mentioned in the contract, the court will enforce the pre-nuptial contract."

Should a widow be appointed a guardian of her children, upon her marriage again the guardianship ceases by operation of law for "No married woman can be appointed a guardian for minor children and the marriage of a female guardian terminates the trust." Chap. 66 West Virginia Code.

A very good clause in the laws of West Virginia is that which enables a woman to maintain an action for injury to her means of support from the unlawful sale of liquor to her husband. In the case of *McMaster vs. Dyer*, 44th West Virginia, p. 644, the Court held: "A married woman injured in her property, person or means of support by reason of the unlawful sale of intoxicating

liquors to a son may maintain a suit for damages, notwithstanding that her husband, the father of the son, is living."

In the case of *Duckworth vs. Stahlmaker*, 63 West Virginia, p. 197, the court held:

"If a husband whose labor contributes to his wife's support, becomes intoxicated in a saloon owned by or controlled by a licensed saloon keeper, by drinking intoxicating liquors sold him by such saloon keeper, and he is forcibly ejected from the saloon by such saloon keeper and so physically injured as to become incapable and disabled from performing his usual labors the wife has a right of action against the saloon keeper for injury to her means of support."

The husband is liable for the torts of his wife and in all such actions against her the husband must be joined. A judgment rendered may be enforced against the separate property of the wife.

A widow is entitled to dower of one-third of all real estate, and if the husband survive the wife he is entitled by curtesy to tenancy of any real estate owned by his wife, whether there survived children or not. The wife may insure the life of her husband for her own benefit provided the premium does not exceed one hundred and fifty dollars; she may hold in her right patents of her inventions and her separate bank account and stock in corporations.

The real and personal property of the wife at the time of her marriage, or which she may become possessed of by inheritance, remains her separate property.

Minors under 14 are prohibited from working in mills, factories and workshops or in any other business without the permission of the Superintendent of Public

Schools or the Commissioner of Labor, and children between 14 and 16 who work in the first-named places must have a certificate from the school authorities. Minors under fifteen are prohibited from being employed in places dangerous to their morals or to life, limb or health.

West Virginia has a Mother's Pension Law which provides that the Overseer of the district may be appealed to by any woman with legitimate children who is unable to provide for such children. After investigation if it is found the woman's husband is dead, or incapacitated, or is confined in any State institution, or has abandoned his wife, such assistance will be granted the woman as may seem to insure her in the maintenance of her children; such assistance not to exceed ten dollars a month for each child. The allowance will not be made for children of more than fourteen.

The age of consent is fourteen and the penalty for rape is death or imprisonment from five to twenty years.

West Virginia is a Prohibition State.

Among other reasons for which divorce will be granted is desertion of three years, licentiousness of either before marriage and unknown at time of marriage, or conviction of felony; and marriages may be annulled because of insanity, consanguinity, miscegenation or want of age.

Marriage may be contracted by a female of sixteen with the consent of parent or guardian.

WASHINGTON

All property, real and personal, owned by the husband or wife before marriage or acquired afterward by gift, devise or descent, is separate property, and all property acquired during marriage, except by gift, devise or descent, is common property. They may dispose of their respective interests in the common property to each other. All laws which imposed civil disabilities upon the wife, and not upon the husband, have been abolished in the State of Washington. A wife receives and holds to her separate estate her earnings but the husband has control of other property acquired by either or both after marriage. He cannot, however, encumber or sell the real estate unless the wife joins.

The surviving wife or husband is entitled to half of the community property and the other half is subject to the will of the deceased. If there is no will then the half of the community property owned by a deceased husband or wife goes to the children and if there are no children to the surviving spouse. One-half of the personal property goes to the survivor if there are children and if there are no children all personal property goes to the survivor. The parents of children are equally entitled to their guardianship and custody.

Washington has a Red Light and Abatement law, is an equal suffrage and a Prohibition State. There is a Mother's Pension law which provides for the support of women who are widowed or whose husbands are inmates of penal institutions, insane asylums or if totally disabled. Fifteen dollars a month will be allowed for each child less than fifteen years and five dollars a month for

each additional child. The juvenile courts have jurisdiction of all applicants.

Washington has an Industrial Welfare Commission and while there is no stipulation that the Board must have women members there were three women appointed to it in 1913. It is the duty of the Commission to ascertain wage, sanitary and other conditions surrounding laboring women and minors. A minimum wage is established which must be sufficient to maintain the workers in health and surrounding conditions must be such as will be conducive to good morals.

There is no inheritance tax on estates of less than ten thousand dollars passing to husband, wife, child, lineal descendants or parents, and above ten thousand dollars the tax is one per cent.

Divorce will be granted for abandonment for one year non-support, incurable insanity, and cruelty.

Washington does not inflict the death penalty, imprisonment for life being the maximum sentence.

WISCONSIN

The property, real and personal, of a wife in Wisconsin, which she owns at the time of her marriage or acquires subsequently by inheritance, gift, grant, devise or bequest from any person other than her husband, is her separate property and not subject to his disposal, nor is it liable for his debts. A married woman may convey her real and personal property as if unmarried and her husband need not join in the deed. A husband cannot dispose of the homestead unless his wife joins in the deed.

The surviving wife or husband is entitled to one-half of the real and one-half of the personal property, with the homestead; and if there are no children the surviving spouse takes the entire estate to the value of \$20,000 and three-quarters of the remainder, the other one-quarter going to parents, and if there are no surviving parents, or their descendants, then all goes to the surviving spouse.

Wisconsin will grant divorce, among other grounds, for desertion of one year, conviction of a felony and incarceration for three years, habitual drunkenness, separation for five years, and non-support.

The custody of children, and their guardianship, goes by preference to the father and at his death to the mother, while she remains unmarried.

Wisconsin has a Red Light and Abatement Law.

Aid will be granted to a woman for the support of herself and children when brought to the attention of the juvenile or county court. The sum of fifteen dollars a month will be allowed for one child and ten dollars a month for each additional child, the total not to exceed forty dollars a month.

Children between seven and fourteen must attend school, and between fourteen and sixteen they must attend school if not employed. Minors less than eighteen are prohibited from working in cigar factories for more than eight hours a day. Women are prohibited from working in places, or for a number of hours, or under conditions which would be prejudicial to health or morals. An Industrial Commission regulates the wages and conditions for work of women and minors with the result that Wisconsin has unusually good rules and laws for the protection of women and children.

Wisconsin does not inflict the death penalty and the maximum sentence is imprisonment for life.

WYOMING

The property rights of a married woman in Wyoming do not differ essentially from those of men. She may sue and be sued, make contracts, carry on business, retain and control her earnings and hold and convey property free from interference by her husband and free from liability for his debts. She may hold office and vote at elections but she is prohibited from acting as an administratrix.

The surviving spouse is entitled to the homestead, and if the total estate does not exceed \$1,500 it goes to the survivor and children in indivision. If it does exceed that sum the surviving spouse is entitled to one-half, and the children to one-half, and if there are no children three-quarters goes to the surviving spouse and one-quarter to parents. If there are neither children or parents the surviving spouse takes all.

The guardianship of children vests equally in the father and mother.

There is a Mother's Pension law which provides aid for worthy mothers, who are unable to care for their children, of twenty dollars a month for one child of less than fourteen, and ten dollars a month for each additional child. There are few women and children engaged in gainful occupation in Wyoming but they have protecting laws from too long hours, too small remuneration and against labor in places dangerous to life, limbs and morals.

Among other grounds for divorce in Wyoming are desertion of one year, cruelty, habitual drunkenness and non-support.

There is an exemption of ten thousand dollars to property passing to husband, wife, child, lineal descendants, and a tax of two per cent on amounts in excess of ten thousand dollars to these relatives.











